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LETTERS

ON

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BY

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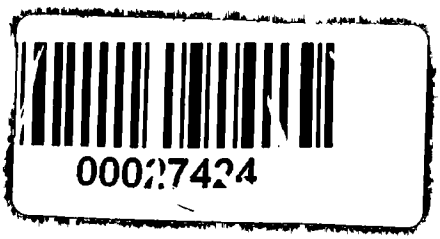

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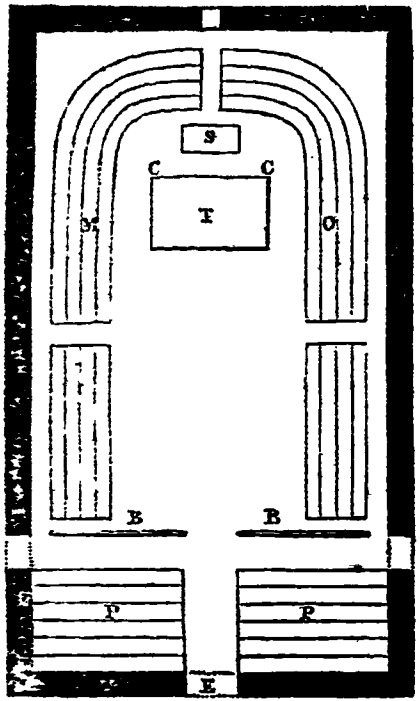
ADVERTISEMENT.

In writing the letters that follow, I thought less of making a book, than of recalling to mind the impressions, which my observation of the public manners of England, and the conversation of those Englishmen, who honoured me with their friendship, made on me. These letters are, for the most part, two years old: reflections on the recent measures of the present ministers, of course, are not to be expected in them. Neither have I entered into the foreign politics of England: such was not the object of this correspondence. But had I had this object in view, I should equally have pursued the course I have adopted; and have begun by giving some idea of the internal organization of the country, and of the opinions it naturally produces.

Most of the errors habitually committed respecting England, arise from our reasoning on its politics as we should on those of Austria or Russia. We give to diplomatic calculations an importance, which they are far from having in the eyes of the British government: and it is not sufficiently known, how little value the English, pre-

occupied by the mechanism of their institutions, and absorbed by the innumerable interests of the strongest and most complicated social order that ever existed, set on external circumstances, which we erroneously consider as the motives of their conduct. In forming a judgment of the proceedings of government among a free people, the first thing to be done is, to study the sentiments, opinions, and habits of the citizens. I have advanced only a little way in this course; but, if this first attempt be of any utility, perhaps it will be followed by a second. It would be better, however, that minds endowed with the qualities wanting to render me successful should finish what I have begun, and supply the imperfections of my labours.

PLAN OF THE HOUSE OF COMMONS.



GROUND FLOOR.

S. Seat of the Speaker.

CC. Clerks of the House.

T. Table on which the mace is laid.

M. Treasury Benches.

O. Opposition Benches.

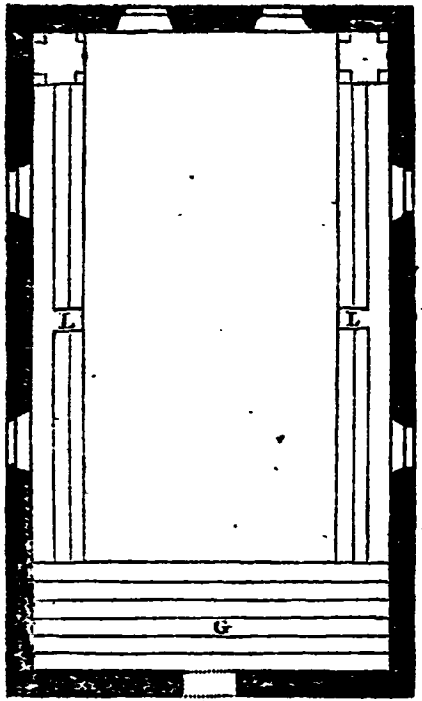
BB. Bar.

PP. Seats under the Gallery, for Members of the House of Lords, State Messengers, and Strangers of distinction.

E. Entrance.

LL. Upper seats for the Members of the House.

G. Gallery for the Public, and Newspaper Reporters.



GALLERIES.

LETTER I.

Precautions to be taken in studying and making Observations on England.

THE history and constitutional laws of England have long been subjects of your inquiry. You have studied their spirit with perseverance and judgment. You are now desirous, sir, of knowing the results of the institutions, on which you have been meditating; and you have seen fit to request from me the practical notions I have been able to collect in my travels in England. I am far from deeming myself capable of giving you satisfaction; but to your kindness I submit without hesitation the scattered observations, that my memory can retrace.

At all periods of history, particularly at that in which we live, the interest we feel in nations

depends much less on their power, or the extent of their territory, than on the degree of liberty they enjoy. The little republic of Athens occupies a more important place in men's thoughts, than the innumerable hosts of barbarians subjected to the sceptre of the despots of Asia; and if we look on modern Europe we shall perceive, that it exhibits the same moral phenomenon. An article of the official gazette, that teaches us the will of the master, is all we want to know of Russia: Germany itself, notwithstanding the progress it has made in literature and philosophy, seems as if blotted out from the political world: but, wherever a ray of liberty appears, to that spot men of reflection turn their eyes, and in that good men feel interested. If a country unite with the enjoyment of civil liberty a high degree of intellectual cultivation, and a considerable political prepondérance, the interest it excites is still more vivid.

In discussing the subject of your inquiries, we shall have no difficulty to divest ourselves of the stupid prejudices, that have been ridi-

culously honoured with the name of love of our country. A person may be a very good Frenchman, without supposing England to be a country of savage manners, where women are sold in the market like cattle, and the men are brutified by drunkenness. Our patriotism seems to me no more obliged to admit such absurd tales, than that of an Englishman to adopt as an article of faith, that the French are a nation of dancing-masters, feeding on frogs. But, while entering on the question with an impartial desire of seeking truth, there still remain many difficulties to surmount.

Among the authors who have written on Great Britain, some have formed a systematic whole of its constitutional laws, agreeably to their own ideas: they have sought to explain their origin by historical conjectures, or to connect them by hypotheses more or less well founded; but they have neglected to observe the real state of things. They have drawn an imaginary picture, in which some natural features no doubt are to be found, but the image is by no means a faithful representation.

Others, on the contrary, have presented to us as simple facts, requiring no commentary, the most curious laws or institutions, to understand which seems imperiously to demand a philosophical explanation, and the reciprocal action of which is most difficult to be comprehended. Such, in general, is the course pursued by English lawyers and civilians. The *how* and the *why* seem to have remained to them matters of indifference: they resemble engineers, who should set up guide poles, without troubling themselves about the lines, that must connect the different points determined by their observations: and it is remarkable, that a foreigner, Montesquieu, was the first to collect, in a philosophic point of view, the grand fundamental institutions of England; and that the work of another foreigner, Delolme, gives to this day the least imperfect exposition of the British constitution.

There is another class of writings on the political state of Great Britain, the utility of which I am far from contesting, but which it would be wrong to consult without great caution, particularly if we would attempt to draw any general

conclusion from the data they present. I mean compilations of authentic instruments and matters of fact.

In statistics there are two ways of proceeding: one is, to lay down a uniform plan, embracing the whole of a country, and to compel facts to arrange themselves as they can under the heads prepared for them: the other, to ascertain this or that series of facts with great precision, subject them to the most scrupulous investigation, and then deduce from them general results, by reasoning or calculation.

The first of these methods is that commonly adopted in absolute governments. Those grand synoptical tables, that answer by a cypher or a phrase every question addressed to them by superficial curiosity, satisfy the vanity of a king or a minister. Wo to the rebellious facts, that refuse to enter the Procrustean bed; no door is open to their complaints; it is impertinent of them, to come and derange the symmetry of such a beautiful structure.

Free countries, on the other hand, cannot be subjected to this convenient uniformity. In them

the government must bend to the infinite variety of actual nature. If, in these, general results are not so easily obtained, it is of much greater importance thoroughly to ascertain facts; parties whose interests are affected will have many ways to complain, and publicity will procure redress for errors.

Nothing can be compared for accuracy and practical utility to the documents exhibited in the reports of the different committees of the British Parliament: but to draw from these imperfect data, faithful as they are, general conclusions respecting the state of the country, is a labour, that requires profound reflection, and knowledge of various kinds.

I will go farther; I will suppose that a man endued with a just and philosophic way of thinking has carefully studied all the written documents on the subject of England that can be collected; yet, if he have not subjected his inquiries to the test of experience; if he have not compared them with a view of the country itself, I will venture to affirm, that he is liable to fall into the greatest errors in his deductions, even though they should

be conformable to the best principles of reasoning.

A few examples will elucidate my meaning.

In England, the fortunes of the aristocracy are immense; luxury is carried to an unheard-of excess among the higher class. Landed property is concentrated in a tolerably small number of hands: the extent of farms is very considerable: the cultivation of the soil employs enormous capitals: agriculture is conducted on a great scale, and on scientific principles. Prohibitory laws have raised the price of grain to an enormous height. The class of people who are not landholders is much greater than in France; and nearly a tenth of the population derives more or less assistance from the poor-rates.

These are unconnected facts taken at random, but the truth of which is incontrovertible.

Now what conclusions must naturally be drawn from them, by a man accustomed to reason justly, but who has never seen England with his own eyes? what ideas would he form of the country from such data?

Farms are of great extent, he would say; agri-

culture is scientific; it employs more implements and fewer hands than on the Continent. The fields then must be vast and covered with uniform crops: hedges, ditches, fences, do not obstruct the progress of the hoe, the drill-plough, and other improved agricultural implements. Here and there we shall find vast rural establishments; but the country is not interspersed with those peasants' cottages, that delight the eye in some of our provinces.

This inference is strictly logical, yet it is directly opposed to the truth. In the greater part of England, the country is as much intersected with hedges as Switzerland, or the *Bocage* of la Vendée; its crops are various; it is embellished by clumps of trees, unmolested by the plough, that turns aside, as if respecting them with religious veneration; the general appearance of the country is that, of a land of small farms; and nothing can exhibit a more pleasing picture of comfort and happiness, than the cottage of an English peasant.

An erroneous system of prohibitory laws, the man whom I have taken for an example will say, raised the price of grain a few years ago, to an

exorbitant height, and tempted the farmer by profits, that the nature of the soil could not have promised him. What must have been the consequence? Every bit of ground capable of producing corn must have been sown, the plains of England must resemble those of la Beauce, or la Brie, and none capable of cultivation left untilled.

This reasoning too would be just, yet it would lead to a mistake, contradicted by the actual appearance of England; since in fact, notwithstanding the great number of enclosure bills, that have been passed within these few years, no country equally populous contains such an extent of waste land abandoned to unprofitable pasturage.

If our logician pass from the aspect of the country to that of the inhabitants, what conjectures will he form? He knows, on the one hand, that the aristocracy enjoy colossal fortunes; and on the other, that a numerous population is supported by public charity. No doubt, observes he, the traveller who visits England is grieved at the contrast of unbridled luxury and squalid want; the gates of sumptuous palaces are crowded with

beggars; the same contrast will appear in food, clothing, and all the particulars of domestic economy.

This supposition also would be conformable to reason; but what would facts say to it? They would tell us, that in no country of Europe does there exist so little difference between the physical enjoyments of the different classes of society, and that the progress of manufactures of all kinds tends daily to diminish the inequalities to be found. 'Where then are the people?' said the allied sovereigns, on their arrival in London, astonished at perceiving no external appearance of wretchedness in the curious crowd that pressed around them.

What is to be concluded from all this? Is England placed by nature out of the reach of the laws of reasoning, and the general relations between cause and effect? Does what is true every where else cease to be true on passing the straits of Dover?—Undoubtedly not: but, when a problem is complicated, we must not pretend to solve it without carefully combining all the data.

We have seen how necessary it is, in studying the present state of England, to avoid drawing

hastily the most legitimate conclusions from a few partial data. We must not be less cautious in tracing effects to their causes; or precipitately account for a phenomenon by deriving it from some simple source, without examining whether it be not the result of several different causes, foreign, or perhaps opposite, to that to which it is ascribed.

It is through neglect of this precaution, that so many persons commit such gross errors in their judgments respecting England. One asserts, that the commercial and maritime superiority of Great Britain, is owing to its colonial system. But why has Spain, so long in possession of colonies, more extensive and more favoured by climate than those of England, remained poor, and without trade? The commercial prosperity of England then must have other sources than colonial possessions.

Another boldly ascribes to prohibitory laws the prosperity of English manufactures, without reflecting, that in most countries of Europe prohibitory laws have produced effects the very reverse; and equally without reflecting, that all the well-

informed men in England, all the enlightened manufacturers themselves, exclaim against the absurdity of this system, and have surmounted its inconveniencies only by extraordinary efforts of activity and intelligence, till a new administration, opening its eyes to the real interests of its country, has begun to demolish the whole of this Gothic edifice.

A third will say without hesitation: the real strength of England, the Palladium of its liberty, consists in that wealthy powerful aristocracy, ever ready to defend the rights of the people against the encroachments of the crown; in those hereditary fortunes, which entails and the laws of promogeniture preserve in the same family, and thus secure its salutary influence.—I am far from disputing the services, that the English aristrocracy has rendered to the liberties of its country, but still it is worth while to inquire, why these entails, to which such happy effects are ascribed in England, have produced in Spain and Italy only a deterioration of estates, and the brutalization of their possessors. And if in most countries of Europe the nobility has become frivolous, igno-

rant, and servile, is it not evident, that we must seek for peculiar reasons to explain, why the English aristocracy has maintained itself at the head of the progress of society towards liberty and knowledge?

In unorganized nature, phenomena in general require only a single cause to explain them. A stone left to itself falls to the ground; another moves on an inclined plane with an accelerated velocity: they follow one common law, that of gravitation; and in whatever place a body is subjected to the action of the same force, it will obey it precisely in the same manner. If we enter into the vegetable world, the phenomena become more complicated. A plant will prosper in one country, and languish in another, though subjected to the same cultivation, and exposed to a similar temperature: for this we must take into the account—the influence of the climate, the nature of the soil, the quality of the element that waters it, and many other accessory circumstances. But when we ascend to animated beings, what a crowd of varying, inexplicable phenomena meets our eyes! what different aspects

does the vital power assume! what surprising modifications does it produce on the matter subjected to its action! Shall we on these accounts deny, that organic laws preside over the existence of living beings? surely not: we shall only acknowledge, that they are more difficult to comprehend, and require deeper study.

A free country is in the order of human societies what animated beings are in the scale of the physical world. Where all the powers of nature have their full scope, we must expect not only infinite variety, but strange contrasts. Such is the spectacle that England exhibits. We cannot account for the state of this country by any of the trite general observations, that are so satisfactory to common minds; or, which is the same thing, to superficial thinkers. All the questions relating to it must be studied, and thoroughly too, in themselves; and there is scarcely one general observation, which, put absolutely, may not be met by an observation totally opposite.

Shall we appeal to the obstinate resistance of the house of peers to the most legitimate claims of the catholics, as a proof of England being

intolerant? We should be unjust did we not add, that, notwithstanding this anomaly, notwithstanding the serious inconveniences resulting from the civil state being confounded with the religious, there is no other country in Europe, where the practical liberty of religious worship and preaching enjoy such a latitude; no other country where it is lawful for any citizen to build a temple, open it to the public, and explain in it the word of God according to his own opinions and understanding.

Shall we say that England, free in itself, has acted with Machiavelian policy in its foreign relations? has favoured, has sanctioned, the subjugation of other countries? We should have but too many proofs to adduce in support of the assertion: yet we should not be just without adding, that, even under the authority of the alien bill, England has always been the asylum of the unfortunate victims of continental despotism; and that no nation has been oppressed, no injustice committed, without calling forth the voice of eloquence in the British parliament, and rousing it in defence of every one suffering in the cause of liberty.

It would be easy for me to multiply examples; but these may suffice, to justify what I have advanced. I have visited England at two different periods: I saw it during the heroic contest it maintained against the power of Napoleon; I visited it nine years subsequently, after the changes peace had introduced into its interior economy, as well as iuto its political relations; and the more the study of this country has engaged my attention, the more clearly I have perceived, that to pretend to explain such various results by a few general axioms would be the height of levity or presumption.

LETTER II.

The Progress of Civilization in France and England compared.

We cannot take a survey of England with an unprejudiced mind, without being compelled to acknowledge, that civilization is there farther advanced than in any country on the Continent, that knowledge is more widely diffused, the science of government better understood, and all the movements of the social machine more rapid and more ably combined. These are facts that might be established *a priori*, and are fully demonstrated by experience. To deny them would be in some degree to dispute the importance of all the political institutions, that have employed for ages the meditations of the sage and the efforts of nations. If a country enjoying for a series of years a free constitution, in which

the people have taken a part in the direction of affairs and the administration of justice, where they are enlightened by the freedom of the press, where every path is open to the pursuit of the unshackled mind, do not excel in knowledge those that have groaned under military despotism, or vegetated beneath the sway of mistresses and favourites; we must renounce the study of politics as a science, and assert, that human affairs are governed by blind chance, or ascribe to nations those privileges of birth, that we justly dispute in individuals. I am far from denying altogether the influence of descent: but he cannot have studied history, who would put this influence into the scale as a balance to the power of institutions; and it appears to me as little the prerogative of a nation as of a gentleman, to know every thing without learning any thing.

But to what must we attribute those grand phenomena of social order, that England displays? Are they the effect of a fortuitous combination of happy circumstances, or the necessary result of certain institutions? and, among these institutions, which are of a nature to produce

analogous results to whatever country they are transported? and which, on the contrary, require their native soil for success, and cannot adapt themselves to that of France? These are vast questions, on which I cannot enter here. However, in running over mentally the history of the two countries, a remarkable parallelism strikes me: I find in each a series of events nearly similar, and each of the phases of English history precedes, by a century and a half, its correspondent phase in that of France.

In 1215 the barons imposed on John, surnamed Lackland, that Great Charter, which the people of England still revere as the foundation of their liberties. A hundred and forty-one years after, the states general of 1356, availing themselves of the captivity of John, king of France, demanded national securities as the price of the subsidies which they granted to his son.

After the wars of the two roses, the superior nobility were in a deficient and exhausted state; and of this Henry VII. and VIII. availed themselves, to establish despotism by favouring the advancement of the Commons. A hundred and

fifty years afterward, the wars of the League having terminated, Richelieu obtained by a similar policy a success of the same kind, though to a far greater extent.

The age of Elizabeth offers a striking analogy to that of Louis XIV. In both reigns the greatness of the monarch, more real however in that of Elizabeth, victory abroad, and the splendour of the court and lustre of literature at home, consoled the people for the absence of liberty. A century and a half separate the period of Elizabeth from that of the greatest power of Louis.

The long parliament began in 1640 the contest of the people of England against Charles I. A hundred and forty-nine years after the states-general were convoked at Versailles.

A hundred and forty-four years supervened between the death of Charles I and that of Louis XVI.

Finally, the restoration of Charles II preceded by a hundred and fifty-four years that of the house of Bourbon. And if we read the history of the two revolutions together, how many astonishing resemblances in the progress of

events, in the order of ideas, and even in the most trifling circumstances, strike our eyes.

To a comparison of this kind we must not ascribe more importance than it deserves; and it would be particularly unreasonable to infer, that the present state of social order in France is a century and a half behind that of England. Our revolution was an event very different in importance from that of England: a much more rapid impulse was given by it to manners and opinions throughout the whole world, so as to accelerate every kind of improvement. Let us not lose sight too of a fundamental distinction, which Mr. Guizot has established with such superiority of intellect in his '*Essais sur l'Histoire de France;*' this is, that the progress of civilization in England has always advanced on a level with that of liberty, and frequently even has only been the consequence of it, while in France it has preceded, or remained independent of it. Our neighbours therefore must be far from having the same superiority over us in regard to civilization, that they possess incontestibly in the political system.

Let us not be deceived however by a sentiment of national pride. We should fall into a mistake, if we were to judge of the state of the two nations by comparing their most eminent intellectual flowers. This comparison would give France an appearance of advantage, which an observation of their real state in the aggregate would unhappily belie.

I think it certain, that, in the select portion of the French nation intellectually considered, there are more minds gifted with the faculty of generalising their ideas, connecting them with philosophical principles, and expressing them in a brilliant or original manner, either in books or in conversation. I believe too, that, on descending to the other extremity of the scale, we shall find in the uninstructed classes more natural vivacity, more quickness in seizing new ideas, more of that intuitive spirit, with which the sun inspires the inhabitants of the countries favoured by it. But it is not a few men of wit, or even of genius, a few bold thinkers, or a few ingenious theorists, that constitute the moral and political strength of a nation. This strength consists in the

average of intelligence, in the general knowledge of the principles and practical institutions, to which the direction of human affairs appertains. This average of intellect supplies the statesman, the lawyer, the manufacturer, the merchant, in a word all the active members of a well organized community: and in this respect no country in Europe is on a par with England. No nation possesses such an intellectual homogeneousness, and consequently such a strength of cohesion, if we may be allowed this scientific expression.

Our geometricians are more profound, our engineers more scientific: their machinists, their manufacturers, surpass ours in number and practical ability. In some of our departments the elements of learning are more general than in some of the counties of Great Britain. Alsace is certainly much superior in this respect to the midland and southern counties of England (for Westmoreland and the South of Scotland are superior to any other country in Europe, some parts of Switzerland excepted): but where on the other side of the Channel shall we find a whole province, in which, as in Brittany, scarcely one child, out

of a population of five hundred persons, is sent to school? Where shall we find populous places, the chief towns of departments, destitute of all intellectual resource, without one place of education, one reading room, or one bookseller, unless we give this name to the keeper of a petty shop, whose stock consists of a few prayer-books and two or three sorry novels? Yet such is the melancholy state of most of our provinces, such the country where the government, far from calling to its assistance all possible means of cultivating the mind, far from accepting with gratitude the endeavours of private philanthropy, seems to make a point of discouraging and fettering them.

Bacon has said with that strength of mind, in which no modern has equalled him:—*Axiomata infima non multum ab experientia nuda discrepant; suprema vero et generalissima rationalia sunt et abstracta, et nil habent solidi. At media sunt axiomata illa vera, et solida, et viva, in quibus humanæ res et fortunæ sitæ sunt.* "Vulgar axioms differ little from simple experience: the highest and most general are abstract reasonings, and have nothing solid. But the mean are the true, solid, and vital axioms,

by which human affairs are regulated." These words, the conciseness of the original of which renders them difficult to translate, may be adopted as the motto of English intellect. In France we have but too many of the 'highest and most general axioms,' the result of which has been two serious inconveniences: one, that the conceptions of our thinking men have not stepped out of the bounds of abstraction; the other, that men endued with some degree of practical understanding, perceiving how little applicable to practice these abstractions were, have imbibed a contemptuous indifference to all kinds of theory, and, confining themselves within the sphere of 'vulgar axioms,' *axiomata infima*, have condemned themselves never to rise above mediocrity; which perhaps they would have avoided, had they connected their daily experience with some guiding principle.

The history of the two countries appears sufficiently to explain the different directions that men's minds have taken in them. In England, where the people have enjoyed from time immemorial institutions, imperfect it must be confessed, yet con-

taining in them the germs of order and liberty, they could not but apply themselves more particularly to improve what existed, to defend the rights they had acquired, and to secure them by actual guarantees. Thus firm persuasions and practical ideas have been formed. The form of trial by jury, the liberty of discussion, the voting of taxes, the right of assembling, have become political articles of faith, that every citizen adopts, as it were, at his birth, and that influence the whole of his opinions and conduct, generally without attempting to account for them.

Among a hundred Englishmen, who at a public meeting toast 'The cause for which Hampden bled in the field, and Sidney on the scaffold,' few certainly are capable of defining the right of resistance, and philosophically assigning its limits: but all know their rights and their duties; all are jealous, not only of their own prerogatives, but of those of each of their fellow-citizens, and are acquainted with the institutions that secure them, and the mode of action of each of these institutions.

In France, previous to the revolution, civilians

disputed on the question, whether there were or were not any such things as fundamental laws; but every one agreed, that some were fallen into desuetude, and others did not deserve to be upheld. Hence philosophers naturally gave themselves a full career in the land of Utopia; while the discontented blackened with energy not only the abuses at which they were justly shocked, but even those habits and ideas, from which they could not emancipate themselves without the greatest difficulty. Who can read Voltaire without being convinced, that no one would have found himself less at his ease amid those new forms of society, to the production of which his writings so powerfully contributed?

Such was the frame of mind in which the assembly of the states general was met. As abuses had reigned without control, abstract principles thought their time was arrived, and that philosophy would assume the pleasure of reconstructing the social edifice on a new plan. Men's intentions were pure, their ideas were vast: they thought they might look with a sort of disdain on that England, where it was necessary to consider

resistance as something, to conciliate existing powers, and even to act in concert with prejudices of more than one kind. God forbid, that I should dispute the benefits, for which we are indebted to the Constituent Assembly. That men, for the most part inexperienced, should triumph in so short a time over so many difficulties, and sweep away so many abuses and injustices, will remain for ever an honour to themselves, and to the nation in the bosom of which they were born. But as, in regard to social institutions, the most ardent imagination scarcely goes beyond what exists, and what every one is accustomed to, when the question was to rebuild, it was astonishing to perceive the timidity of those, who had been the boldest in the work of destruction, and the most ambitious in their hopes.

At present we are not quite such novices, and our minds have acquired something more of practice; still there remain many traces of timidity in application, that form a contrast with our pride in theory, and with the demand of the public for new ideas. If the liberty of the press be the question, for instance, we find men, who occupy a high

rank in the political world, proposing gravely to prohibit in the most peremptory manner writers and journalists of every description from mentioning any circumstances in private life; and to punish whoever shall print the name of an individual unconnected with public affairs, be the nature, complexion, and tendency of the article inculpated what they may. Assuredly such an idea would never enter the head of the most simple citizen of England or America: his good sense would tell him at once, that it is impracticable; and that, could it even be realized, it would deprive the liberty of the press of the most valuable, the most moral, of all its advantages, that of habituating men to live in the presence of their fellows, of restraining by the curb of public opinion, of stimulating by the hope of praise or fear of blame, those whose moral sentiments would be insufficient to retain them in the path of duty; of substituting for the punctilious delicacy of the drawing-room the noble and manly feeling of exhibiting our actions to the world, and exposing our conduct to the examination of our fellow citizens. Yet they, who have brought forward

among us such an idea, are by no means unused to reflect on the science of politics: so far from it, we reckon them, one in particular, among the most distinguished of our civilians; but no reach of mind can supply the want of long habituation to the manners of a free country.

If in the present day we were to claim for France the application of the trial by jury to all civil causes, and the almost unlimited right of the citizens to meet and deliberate on public affairs, how few would be found, I do not say among the friends of power or men of timid minds, but in the foremost ranks of opposition, who would not view with apprehension these two institutions, which England peaceably enjoys, and which many men of elevated mind sconsider as indispensable conditions of the due administration of justice, and of real libery!

This timidity in application to practice is the more striking, as our philosophical orators and writers soar to still higher considerations, and lay down general principles with more firmness of reasoning. I read one day some of our political pamphlets most remarkable for the strength

and extent of their ideas with Sir James Mackintosh, I need not say therefore with one, to whom no region of human thought is unknown:—"What think you of this?" I said to him. "It is very spirited," was his answer; "but here we take all this for granted." And in fact what is a theorem to us is an axiom to them; and they employ, in acting, the time, that we spend in teaching or demonstrating. This is an immense advantage; for axioms are adapted to the use of the many, while theorems are within the reach only of those, who can follow out their demonstration. If a seaman, before taking an observation, were obliged to have recourse to the principles of trigonometry and physics, on which his proceeding is founded, and to prove them to the crew, instead of employing formulæ already calculated, the ship would run great hazard of steering a wrong course. Thus institutions, and the habits accruing from them, are the formulæ of the politician. No doubt, we should compare the formulæ with the theory, to satisfy ourselves, that they are agreeable to it; but this once done, it

would be a waste of time to recur continually to the principle.

It is only in the mathematical sciences however, the theories of which are as immutable as the data on which they are founded, that such reasoning admits of no reply. In the social order, on the contrary, where theories participate in the fluctuation of ideas and human interests, we are bound at all times to establish them in the eyes of reason, as well as the formulæ derived from them. Without denying the practical superiority of the English, it is certain, that they carry too far their respect for what exists: and to employ a style, with the abuse of which our preachers have been reproached, the facts that surround them appear in their eyes matters of insuperable necessity, when it would be the easiest thing in nature to extricate themselves from the difficulty, by simply recurring to a philosophical principle.

For more than three years the attention of parliament was occupied on the reform of the laws respecting marriage. The old system abounded with difficulties and injustice: the changes introduced

have occasioned perplexities previously denounced by eminent lawyers. The debates on the occasion were spirited, and even violent: on both sides great learning and sound logical argumentation were displayed; yet, amid this conflict of opinions, the simple idea of making marriage a civil contract, of leaving to the conscience of the parties the choice of a religious sanction,—an idea truly moral, of which our laws afford an example, and which with us has produced nothing but advantages,—does not appear to have offered itself to a single mind, or at least they, who would have been inclined to adopt it, did not think it practicable to bring it forward.

I have witnessed a still more striking instance of this disposition of the English to confine all questions within the sphere of the circumstances peculiar to England. In the session of 1822, Mr. Canning made a motion tending to re-open the entrance of the upper house to the catholic peers, who were deprived of this privilege in consequence of the conspiracy, real or pretended, known by the name of *the popish plot*. This motion, after being carried through the house of commons, was

thrown out of the house of peers after a very memorable debate. I was fortunate enough to be present on the occasion; and my memory records few intellectual treats comparable to the discussion of a subject so important, by orators ranking so high in talent as well as in society. Lords Erskine, Holland, Grey, Grenville, Liverpool, and the Chancellor, most of the leading members in the political bands, took an active part in the debate. The avowed object of the motion was to prepare the emancipation of the catholics: on this ground it was attacked by its adversaries, and defended by the minority. It seems natural then to suppose, that the general principles of toleration would have an ample share in the discussion. By no means; they were not even touched upon: I will say more, no one thought of them. The particular interest of England absorbed the whole attention of the speakers, as well as of the public. It may be said, no doubt, that the general arguments were worn threadbare by seventeen years of discussion; and besides, that the policy of the minority, on this occasion, was to confine the question within its narrowest limits; but I never-

theless maintain, that my general position is fully borne out.

Lord Holland spoke with that vivacity of argument, which the heir of the name of Fox alone could combine with such a flow of feeling: but in this speech, which I was told recalled to mind the happiest effusions of his uncle, he confined himself solely to proving, with a profound knowledge of the history of his country, the absurdity of the testimony that led to the condemnation of the catholic peers, or to refuting particular objections: while, familiar as the higher questions of morals and philosophy were to him, he never thought for a moment of dipping into their sphere.

In another point of view I was not less struck with the speech of the Lord Chancellor. The ground of his reasoning was in fact this whimsical argument: If the protestant cease to be the ruling religion of England, the catholic must become so. And from the energy and warmth with which he spoke extempore, it was evident, that his conviction was sincere; and that a profound lawyer, a man grown old in the paths of

legislation and politics, had never seriously admitted the idea, that a country might subsist without a ruling religion: so powerfully does whatever *is* appear what *must be*.

Transfer the same subject of debate to the French tribune, unquestionably liberty of conscience, the connexion between civil and religious authority, the general principles in favour of toleration, would have constituted the subjects of every speech. It is equally evident, that, under favourable circumstances, the public would have declared warmly for the question, so as to render all resistance to it impossible. So far the advantage is with us: at least it may be thought so. But these speeches, abundant perhaps in talent, would have made only a transient impression. The question so speedily carried, if the torrent of opinion or of power had run in its favour, would have been as speedily lost, if it had taken an opposite direction.

In England old opinions are more difficult to be shaken, and notions as well as interests make an obstinate resistance: but when by dint of struggling an opinion has made a conquest, it

is for ever; it does not suffer itself to be dispossessed.

In 1819, we made a great step in the career of liberty: we had obtained a law on the suppression of abuses of the press, which, notwithstanding some slight imperfections, was acknowledged by masters of the science, by the English lawyers themselves, as the best and most philosophical, that had hitherto existed in any country. But this law, ill understood by the public, harassed by unreasonable objections, even from those, who ought to have been most sensible of its advantages, was indebted for its success solely to the talents of a minister, and the complaisance of a majority. A few months had scarcely elapsed, before power changed hands, or, which is worse, the men in power changed their principles; the new law of the press ceased to exist, without leaving any traces of itself either in our jurisprudence or in our habits; and many years perhaps will pass away, before France can hope to recover possession of it.

In England the struggle was long. Mr. Fox in parliament, and Lord Erskine at the bar, had

more than one contest, and overthrew more than one formidable adversary, before they obtained for the jury the important prerogative of pronouncing on the criminality of a work, as well as the fact of its publication. But the longer the dispute continued, the greater was the interest taken in it by the public, and the more deeply were men's minds impressed with the importance of the question: and when at length Lord Erskine obtained from the king the noblest motto, that ever adorned the arms of a statesman, *Trial by Jury*, the principle, the triumph of which was thus proclaimed, became an article of the political creed of England, that the most strenuous friends of power in the present day would scarcely think of contesting.

LETTER III.

On the Division of Property.

THE division of property is a question of such importance, whether considered in itself, or in its moral and political consequences, and there is such a difference between our ideas on the subject, and those prevailing in England, that I purpose to make it the subject of some of the letters you allow me the honour of addressing to you.

I enter on the discussion with the satisfaction of thinking, that on this point we are nearer the truth, or at least more disposed to investigate it with impartiality, than our neighbours. In France, the equal division of property among our children, has passed from our laws into our habits, or rather from our habits into our laws. This equality appears to us so natural, that, were

there no law on the subject, matters would proceed nearly as at present. Notwithstanding this general tendency of opinion, however, the philosophical mind will not refuse to examine the opposite opinion: it will acknowledge, that property, landed in particular, is a creation of the social order, and conceive, that it may be regulated at the will of the community, for the greatest advantage of the whole. In England, on the contrary, habits and prejudices hold such sway over men's minds, that, with few exceptions, they are become incapable of reasoning in any concatenation of ideas out of their usual course. And even the most enlightened men are much more ready to seek arguments in defence of what exists among them, than impartially to examine what is most desirable for the physical and moral welfare of the human species.

But if we be more free from prejudices on the question itself, we are far from being exempt from prejudices respecting what passes among our neighbours. We employ somewhat vaguely the terms entail, consolidation of property, the misery of the lower classes, and poor rates; and, as

I observed in one of my former letters, we very improperly figure England to ourselves, as exhibiting a lamentable contrast between the exorbitant wealth of a small number of privileged persons and the sufferings of the people. Nothing however is farther from the truth. Let us first endeavour then, to exhibit the facts.

Fortunes are less unequally distributed in England, than is commonly supposed. The appearance of the capital is a certain indication of this, which the general aspect of the country confirms. That London Directory, which is known by the title of the *Court Guide,* furnishes a datum in this respect, which may appear superficial, yet notwithstanding deserves consideration. This Directory, which includes about eight thousand addresses, contains no names but those of persons inhabiting the western part of the metropolis, or what is called the *fashionable* quarter; a term to which the English attach more importance, than might be supposed from the natural gravity of their character, and the serious beauty of their institutions. To inhabit this quarter, and see their names inscribed in the

Court Guide, is a mark of distinction, which is an habitual object of emulation to the middle class, and presents to the imagination of some the pleasures of frivolity, to others the liberal enjoyments of study, and of the conversation of men of talent. Now it is generally acknowledged, that the lowest fortune enabling a person to reside at the west-end of the town, and adopt its manners, is an income of £3,000 (75,000 fr.) a year. Supposing then, that of the eight thousand names figuring in this Directory, only half are masters of families, we find in the city of London alone, without taking into account the capitals of the other two kingdoms, or reckoning the many wealthy persons who reside in the country the whole year, four thousand persons of fortune, the poorest of whom would be deemed opulent in most of the countries of Europe.

But in proceeding ever so little downward in the scale, the number of those in easy circumstances increases with extreme rapidity. The tax on income, *property tax*, which was established by Mr. Pitt, in 1798, and finished with the war, furnishes us with remarkable data on this point.

In his original plan the minister exempted from the new tax all persons, whose income was below two hundred pounds sterling. He estimated at ten millions sterling, the produce of the tax; but he soon perceived, that he had deceived himself greatly in his calculation, and that he must necessarily lower the limit considerably. In fact, he descended gradually to the minimum of fifty pounds a year, and then the produce of the tax considerably exceeded fourteen millions and a half; a certain proof, that wealth was distributed among a much greater number of persons, than was generally supposed.

It is particularly in fortunes derived from trade and manufactures that the division is observable. The accounts of the income tax for 1812 afford us some very curious information in this respect. Among the number of persons occupied in lucrative employments, we find there were then no less than a hundred and twenty-seven thousand, whose incomes were between fifty and two hundred pounds a year; twenty-two thousand, from two hundred to a thousand; three thousand, from one thousand to five thousand; and six hundred,

from five thousand upwards. Such a result is striking in itself: but it must be remarked, that the calculation is no doubt below the reality; for, if a certain number of individuals gave a faithful declaration of their income, and a few may have found it their interest, to make it appear more than it really was, the great majority of contributors would endeavour to reduce the estimate of their income as low as possible.

Landed property, no doubt, is less divided, than other kinds: but it is not the less true, that our ideas on the Continent, of the accumulation of estates in England, are greatly exaggerated. The facts I have been able to collect, and the conversations I have had on this subject with the best informed men, even lead me to believe, that this accumulation has sensibly diminished within these few years. I am not ignorant, that there are still counties in England, where the parks of some great lords occupy such a vast extent, as to give the country the appearance of the uncultivated forests of America, and that, for several leagues round, not a house is to be seen that is not occupied by some dependant of these

gigantic proprietors. I am equally aware, that there are others, where the principal landholders, being at the same time the richest monied men, seldom fail to increase their domains by the addition of such estates as are offered for sale in their neighbourhood. But, notwithstanding these exceptions, I retain my opinion, that the actual tendency is toward a division of landed property; and one proof of the truth of what I advance is the general acknowledgment, that the most advantageous mode of disposing of an estate is, to divide it into a great number of lots.

You seldom take up an English newspaper, without seeing advertisements of the sale of fixed property, particularly houses, the price of which is within reach of persons of moderate fortune: and in some of the northern counties, Westmoreland in particular, a great number of cottagers are found possessing property, there called *statesmen*, who derive from their possessions from fifty to two hundred pounds a year. I shall remark by the way, that the prosperity of these counties, though not among the most favoured by nature, the independance of character, and thrifty spirit,

that distinguish their inhabitants, speak loudly in favour of the moral advantages arising from property being not very unequally distributed. The increase of the number of electors is also an indication of the progressive division of property. The counties of York and Lancashire alone reckon about sixty thousand electors; and in the whole of England there are scarcely less than four hundred thousand.

If we pass from the state of the country to that of the legislation, we shall find, that the ideas entertained on the Continent, in this point, are not less erroneous. The hereditary continuance of great fortunes in the same families is generally ascribed to perpetual entails. This is true only with respect to Scotland, where, certainly, entails are for a perpetuity, and their employment is very general: but I must not delay to add, that there is not one person of enlightened mind in that country, one lawyer of any authority, who does not regret the existence of such a deplorable system.

In England, the courts of justice early discovered the innumerable inconveniencies of en-

tails; and always showed a disposition to confine them within narrow limits. In fact, the pious frauds of the tribunals, sanctioned by the parliament, have settled the present state of the law on this head. English entails are not now perpetual: they cannot extend beyond the term when the yet unborn heir of the last of the living individuals called to the succession shall be of age; they may be annulled by the joint consent of the actual possessor, and his immediate heir; leases granted by the usufructuary are obligatory on his successor for one-and-twenty years; but, notwithstanding these judicious restrictions, entails are still a fertile source of inconveniences and abuses.

Besides, feoffments in trust are become at present much more common than direct inheritances: it is not so much to the law of entail, therefore, as to that of primogeniture, that we must ascribe the hereditary transmission of fortunes to the eldest son, to the detriment of his younger brothers. It is to be observed here, that this law relates only to landed property, goods and chattels being exempt from it: and in such

a country as England the public funds, shares in canals, money invested in various commercial or manufacturing concerns, form a very considerable portion of its wealth. Let us remember too, that this law is applicable only in cases of intestacy; and that in England the right of bequeathing by will is unlimited: so that, cases of entail excepted, nothing prevents the father of a family from dividing his property among his children as he pleases, or even disinheriting them altogether.

It is not the law, therefore, which is an obstacle to a more equal division of landed property. This obstacle is found chiefly in the state of men's habits and way of thinking; and as in France a change of the law regulating inheritances would have scarcely any influence on the distribution of property, if the will of testators were left sufficiently free, so in England the abolition of the law of primogeniture would not destroy, or at least would destroy very slowly, the almost universal opinion, which consigns to the eldest son the inheritance of the fortune, and the charge of sustaining the dignity of his family. To be the founder of a family, *to leave a son and heir*, as the

English say, is the first thought of a man who enriches himself in any profession: and what would often appear to us an act of injustice seems to them so natural and necessary, that any objections offered to it would scarcely make the least impression on their minds.

Conversing one day with the head of an ancient house, the heir of an immense fortune, of which he is ready to make the noblest use at the call of patriotism or friendship, we spoke of his family, and I inquired after the situation of his brothers. "They are very well off," he answered: "my father provided handsomely for them in his will; he left each of them a fortune of so many thousand pounds." Now this fortune, which certainly would be deemed considerable on the Continent, was scarcely a third of the annual income of the eldest. Yet this eldest son, whose generosity is indisputable, far from being shocked at such a disproportion, considered the situation of his brothers as very respectable, and spoke of it to me with perfect satisfaction. Though I am tolerably accustomed to the habits and opinions of England, this was so much at variance with

our ideas and moral feelings, that I could not avoid, by way experiment, expressing my surprise at it to persons of different ranks and opinions. No one joined with me in opinion. They all thought, in fact, that the younger brothers had been kindly treated by their father, and that there were few families enjoying similar advantages. I will say more, younger brothers themselves are so thoroughly persuaded of the importance of the law of primogeniture, that, if a proposal were made to them to share alike with the head of the family, the majority would refuse it without hesitation.

That this way of thinking should be generally diffused through the higher ranks of society, indeed, is not very surprising: but, what is more so, it is equally prevalent in the working classes, and with men who have no other source of wealth than the labour of their hands. I have heard an anecdote on this subject, which is so characteristic, that I must beg leave to relate it.

A French iron-master, travelling in England some years since, to learn the progress made there in the manufacture of iron, went down into a

coal mine, in one of those districts where radical opinions were most generally diffused among the people. When in its subterranean galleries, he conversed with the workmen on the nature and duration of their labour, their wages, their food, and all the particulars of their way of life. The workmen on their part, interested in the conversation of a man who displayed an accurate knowledge of their concerns and wants, and engaged also by the liberality of the opinions he displayed, inquired in turn into the state of the labouring people in France. "How many workmen do you employ?" said they.—"Four or five hundred." "That's a pretty good number: and what wages do they earn? What does it cost to feed and maintain a family in the part of France where you live?"—"Their wages are lower than yours: but this is more than made up to them by the cheapness of the necessaries of life."—"You are right," said the miners, after having made a little calculation among themselves, which convinced them, that in reality the condition of the workmen was better in France than in England: "but how long do they work every day?"—

"Eight hours on an average."—"No more! And what do they do the rest of the day?"—"They cultivate their land, and work for themselves."—"What do you say, their land? Then they have property? they have ground, they have houses of their own?"—"Certainly: at least most of those have, whom I employ." At these words astonishment was depicted on every countenance. "And this land," said the most intelligent of the miners, "what becomes of it at the father's death?"—"It is divided among his children."—"What equally?"—"Of course, or nearly so."—"But a small plot of ground, divided among several children, must be reduced to nothing?"—"No; for if one of them be not rich enough to purchase the shares of his brothers, the ground is sold, and passes into the hands of some person, who can keep it entire and improve it."

Here the conversation ended: but the two ideas, of workmen who were landholders, and of an equal division among the children, had so powerfully struck the English miners, that on the following Sunday they formed the subject of a regular discussion at one of those clubs, in which men, even

of the lowest class, meet to read the news, or converse on their common interests; clubs, where the forms of sound deliberation are much better observed in general, than we find them in France in political assemblies of a much higher cast. After a long debate, the matter was put to the vote; and the majority decided, that it was no doubt advantageous for workmen to be landholders; but that the inheritance should go to the eldest son, and not be divided.

Here then we have workmen, low-born, radicals in their opinions or political sentiments, who decide against an equal participation, and in favour of the rights of primogeniture. It would be difficult to adduce a stronger proof of the universal sway of this mode of thinking in England

LETTER IV.

On the Division of Property as it affects Agriculture and the National Wealth.

I ATTEMPTED to show you in my last letter, that the transmission of property to the eldest son, to the prejudice of his brothers and sisters, was in England much more the result of the general way of thinking, than the necessary consequence of the laws. It remains to be inquired, whether this way of thinking be founded in reason; and whether they, who would introduce a similar system among us, be desirous of what would prove advantageous, and capable of being carried into practice, or even if they have properly examined the subject of their wishes.

To reduce a little into order a question of such extent, that it would form of itself the subject of more than one book, we will examine it first as it

regards economics, and afterward consider its moral and political influence.

A nation, as well as an individual, has nothing to subsist on but its income; that is to say, the rent of its land, the interest of its capital, and the wages of its labour. No doubt, this or that distribution of wealth may improve the cultivation of the soil, promote the increase of capital, or render labour more productive; yet these various improvements have their limits in the nature of things, beyond which it is not in the power of man to proceed.

When a nation has really made some progress; when by its industry, its natural resources, and its economy, new riches have been created, it may confer the privilege of enjoying them on a certain number of citizens, without the rest of the community being impoverished. But in a given degree of wealth, one class cannot be favoured unless at the expense of others; what is given to privileged persons, under whatever title, is necessarily taken from the rest of the citizens, and a difference of distribution does not render the whole of a nation either richer or poorer.

This truth is so obvious, that it appears almost ridiculous to announce it; yet there is none more habitually misunderstood by most of those who reason on political economy, I do not say in the drawing-room merely, but in books written expressly on the subject. Every one makes this or that class wealthy, and assigns this or that employment to capital, as his opinion, interest, or whim leads him: but the simple idea, that nothing comes out of nothing, and that by giving to one we take from another, never enters the mind of these reasoners. A country left to the management of these speculators would be nearly in the condition of Swift's gentleman, who had five thousand a year, but all whose servants attempted to apply the whole of his income to the department particularly under his care. "For five thousand a year," said the coachman, "my master can have a noble set of horses and carriages." "With five thousand a year," said the cook, "my master can keep open house;" and thus the poor gentleman found himself ruined.

It is this common error, that has led some men, even such as are well versed in the science of

finance, the celebrated Hamilton of America among others, to consider a public debt as wealth; because, he says, this debt is an exchangeable property, that attracts foreign capital; without reflecting, that in this case the foreign capital only takes the place of the national capital that has been consumed, and that the interest produced by this new capital is exactly balanced by the taxes paid by the people.

It is in consequence of the same error, that the too positive enemies of the funding system, or men who are interested in paying their court to the landholders, propose the reduction of the capital or interest of the debt, an arbitrary change of the conditions stipulated with the creditors, in short, a general or partial bankruptcy, as an efficacious method of alleviating the burdens of the nation. They do not consider, that the proprietors of the public funds will be impoverished by every sum bestowed on the payers of taxes; and that consequently the sum total of the wealth of the nation remains the same, except that a violent transfer of property involves in ruin and despair the classes that are robbed; and that by first

suspending the demand, and afterward changing its nature, all the calculations of trade and industry are deranged.

In fine, the same error is the base of the common-place observation, that the partisans of the law of primogeniture never fail to repeat.

The eldest son, say they, by being the depositary of the whole of the property, maintains the dignity of the family; and serves as a support to his sisters, who, though without fortunes, obtain through the splendor of his name, honourable or advantageous matches, and at all events are secure of an asylum in the paternal mansion. On the other hand, the younger brothers, receiving no fortunes from their father, feel the necessity of procuring one by their own industry: accordingly they embrace some lucrative profession, marry ladies possessed of property, or obtain civil or military employments, or ecclesiastical preferment, through the influence of their elder brother; and if they fail in their endeavours, they return and settle with the head of the family, and live on a portion of his income. In this manner the elder branch preserves the

property and its lustre; and the younger branches may in turn become the stock of new families rising to wealth and power. On the contrary, if the property were divided among the children, it would be dissipated at the end of a few generations, and general poverty would be the necessary consequence of this progressive subdivision.

I need not now inquire, whether it be a very pleasant circumstance to the younger children, to enjoy no independance, to be obliged to adopt the tastes of their elder brother, bend to his whims, and have recourse to his generosity for every undertaking that requires any pecuniary resource; as I have engaged here to consider the law of primogeniture merely as a question of political economy. In examining the trite arguments of the partisans of this system, then, let us adopt the method of geometricians, who assume a problem as solved, and then examine the consequences.

Let us suppose a country, where every species of property belongs exclusively to the first born of each family. What will become of the younger

children? they can have but two alternatives; either to reside in the house of the eldest, and live on his means, or to enrich themselves by obtaining some public office. In the first case, admitting it to be strictly obligatory on the eldest to maintain his brothers, they will be joint proprietors of his income; which in a pecuniary view, and leaving moral considerations out of the question, will amount to the same thing, as if they possessed a portion of the capital corresponding to this income. In the second case, that of enriching themselves by public offices, the portion of the revenues of the state, that forms their salary, will be the produce of taxes, or a sacrifice on the part of those who pay them; and these, on our hypothesis, can be no other than the elder brothers: so that thus the younger will become proprietors of a portion of the income or capital of the elder, according as the taxes are of such a kind as to affect the one or the other; and thus in an economical view, without entering into the field of politics, the general state of the country will be the same, as if the division of property had been

effected in the bosom of each family, instead of being produced indirectly through the medium of taxation.

A similar mode of reasoning may be adopted on the subject of marriages. Whether the elder, possessing alone the inheritance of his father, marry a woman without fortune, while the younger enriches himself by espousing a wife with a fortune equal to that of his elder brother; or each of them, after equally dividing the paternal inheritance, double his property by a match bringing him a portion equal to his own; the condition of the new families will be precisely the same. Let us not satisfy ourselves therefore with empty words, and imagine, that any particular mode of distributing property in a country creates *ipso facto* new wealth; and that, after all has been given to the eldest son, there still exists a sort of common fund, on which the younger may draw without taking any share in the property their brothers enjoy. The law of primogeniture no doubt has a considerable influence on the wealth of particular families or particular classes, but it by no means increases that of the nation at large.

You generalize the question too much, it will be said to me: the question does not relate to the general wealth of the country, but merely to landed property; and you will not deny, that an estate equally divided among several children must soon be reduced to portions so small, that it will become impossible to cultivate them with advantage. How can such little proprietors break up wastes, drain marshes, improve the breed of cattle, meliorate agricultural implements; in short, apply to the cultivation of the soil sufficient capital, to derive from it the greatest possible advantage?

Let it here be observed, that this is to change completely the aspect of the discussion. We are no longer told of the advantages attached to the concentration of the property in the hands of the eldest son, but of the superiority of farming on a large scale over a small.

Undoubtedly the application of large capitals to the cultivation of land is advantageous, and considerably increases what is usually called their neat product. But the choice between the regular and uniform cultivation of large farms, assisted by

the powers of science; and the motley practice of farming in a small way, as it is called, which employs a greater number of hands and less capital; this choice is governed by circumstances with which the laws can have nothing to do, such as the configuration of the country, the quality of the soil, and the nature of the climate. This question is even so distinct from that of the distribution of property, that it is easy to conceive, how farming in a small way is reconcileable with large estates, and in a large way with an equal division of them. Tuscany and La Brie may serve to exemplify this. In the one, extensive estates are cultivated in small portions by poor farmers, who have no capital but their manual labour; in the other, wealthy farmers often join in the cultivation of separate inheritances, which, from the nature or situation of the land, promote the success of their undertaking.

But if the application of large capitals to agriculture be advantageous, as has been said, two conditions are indispensable to this result: one, that the capitals exist; the other, that injudicious restraints on the sale of fixed property do not prevent the land from coming into the hands of

those who possess capital. Now I deem it indisputable, that, in the present state of France, nothing can be so favourable to the gradual increase of wealth as this division of property, which inspires a numerous class of persons with habits of order and economy. A scientific mode of agriculture, applying large capitals to more extensive portions of land, would be more productive, it is true; but what should we gain by the introduction of this system, by concentrating landed property among a small number of possessors, and by perpetuating it in the same families by means of entails or the law of primogeniture? The amount of the capital applicable to agriculture being given, if it were devoted to the cultivation of a certain number of farms in the large way, we must leave the rest of the land waste; or rather we should fall into that lamentable state, of which Spain, Italy, and France before the revolution, afford examples; and we should see large estates deteriorating in the hands of idle men of wealth, who would squander in wretched frivolities the capital, that should have rendered them fertile.

It was much less by increasing the subdivision

of estates, than by causing them to pass into more industrious hands, that the revolution so powerfully increased the substantial welfare of France. This subdivision is much more ancient than they are willing to suppose, who charge the revolution with all the mistakes of their minds or passions. It was formerly observed by Machiavel, that, though France was a poor country, the people were happier than others, because there was scarcely a peasant who had not some little inheritance. The equal division of property existed from the remotest times in the provinces where the old Roman law prevailed; and it was previous to the sale of the national property, that the consequences of this system to France alarmed Arthur Young. Since that period the subdivision has increased, immense capitals have been swallowed up by the wars of the revolution, yet who can compare France now with the France of 1789, without being struck by the increase of the national wealth?

I have no hesitation in believing, that every artificial direction given to capital by the legislature, every shackle imposed on the division or

circulation of property, is detrimental on any hypothesis: but if there be a country on earth where the introduction of a law of entail would be decidedly absurd, it is unquestionably France; since, in the present state of things, the first effect of such a law would be precisely to establish that division of property, which certain persons consider as so vexatious. What in fact is the first condition requisite to the formation of a large estate, if not the power of buying several small ones, to unite them into one? What therefore can be more inimical to this object, than to render unalienable the present small divisions of land?

This reflection is so self-evident, that a demonstration of it would be superfluous: yet it does not appear to have entered the minds of those, whose favourite scheme it is, to cover France with little, inalienable, burghers' estates, as if an aristocracy could be created off hand, or arise from any other elements than time, habits, and the free development of individual powers.

We have seen above, that a very inaccurate idea of the division of property in England is formed on the Continent. The English are equally

mistaken in the results, which they ascribe to the equal participation of estates between children with us. The reasonings of their most distinguished writers on political economy have something vague and desultory on this question, which forms a contrast to the soundness of their ideas on other points of the science, and seems even to indicate, that they experience a sort of interior struggle between their principles and prejudices. Malthus and M'Culloch themselves, the one in his "Principles of Political Economy," the other in the article "Cottage System" in the Encyclopædia Britannica, have not escaped this defect. Ricardo has not treated the question in his writings, but I have heard him express an opinion more favourable to the system of the division of property, and his name alone is a host.

Families being much more numerous in England than in France, from various causes which perhaps I shall have an opportunity of investigating with you, the English, who attack the equality of division, commonly figure to themselves the inheritance of the father shared between ten or twelve children; each of these marrying, and having in

turn ten or twelve children more; so that the last would receive only a hundredth or a hundred and forty-fourth part of his grandfather's property. But this is not the course of things in the world. In fact, if the increase of population followed such a progression, a single family would overspread the whole of the habitable earth in less than ten generations.

What then is the real state of France? Does the parcelling out of estates go on increasing in so alarming a manner? By no means. On the contrary, we see in the neighbourhood of rich towns, and in general in every part where capitals accumulate through trade or manufactures, that landed estates have a tendency to enlarge. It is true, in provinces destitute of these advantages, in Britanny for example, the division of inheritances is carried much too far; but even in such provinces the interests of agriculture will set limits to this cantling. Already it is not uncommon, in various parts of France, to see a family of peasants agree, that one of the brothers shall remain proprietor of the paternal farm. The rest receive from him either a sum of money, or a

portion of the profits, and remain with him as farm servants, to avoid losing the advantages of farming on a large scale, or to preserve the respectability attached to the long possession of the same inheritance. For it is to be observed, in the present state of men's minds, this sort of aristocratical feeling is much more common in the lower than in the middle classes.

Nothing too is more common, both in France and Switzerland, than to see the possessor of a small estate farming one more extensive. I would even say, that a great majority of the farmers are landholders also. The day labourer they employ, is often master of a cot that serves to shelter his family, a garden that feeds his children, and a little field that he can cultivate when he is unemployed, and which enables him to maintain with less inequality the fearful struggle of laborious poverty against exacting wealth. From this general state of things arises a degree of happiness not to be disdained even if attended with no other advantage; but which becomes one of the happiest results that the social order is capable of producing, when, as we see in the

Protestant parts of Switzerland, it is guaranteed by free institutions, and ennobled by a general diffusion of knowledge.

It is universally an object of ambition with the French peasant, to become the proprietor of a little plot of ground, or to enlarge what he has received from his forefathers. This propensity is is of ancient date, and the revolution merely strengthened it, by furnishing him with opportunities of easily gratifying it. This desire, it must be confessed, is not always exercised judiciously: in general he gives more for land than it is worth, because, labour being the necessary condition of his life, he reckons it as nothing when he calculates the produce of the soil; so that an estate, which, if sold in a lump, would fetch a price only proportionate to its rent, sells in detail after the rate of its gross produce. Our peasants therefore might derive more advantage from their savings, either by placing them in the funds, or in saving banks; or by farming the land of others, and employing their little capitals in the purchase of stock and agricultural implements; as thus they would obtain much greater interest for their money.

But their superstitious predilection for landed property is easily explained. In a country where an uninterrupted succession of public bankruptcies had annihilated confidence, where trade and manufactures were fettered in a thousand ways, where justice was impotent, where the relations between the powerful and the weak, the rich and the poor, were in the hands of arbitrary power, men of the labouring class must have been habituated to trust only to solid and palpable wealth.

In England, on the contrary, where every kind of right guaranteed by the law is inexpugnable; where the stability of all things is carried to excess; where public opinion, going hand in hand with financial science, has always caused the engagements of the state towards its creditors to be respected; the possessor of a small capital has justly thought, that the purchase of land was not the most profitable way in which he could employ it. Even they, whose habits and inclinations have rendered them attached to agriculture, have preferred renting farms to purchasing; and the length of leases has given farmers many of the

advantages as well as enjoyments annexed to the possession of them. In fact, if we calculate the chances of human life, and the various circumstances that may abridge its duration, or change the condition of individuals, we shall find, that possession secured for a long term of years differs very little from absolute proprietorship, and that the difference between them is greater in the eyes of imagination than in those of reason.

That England has risen above almost every other country in Europe, by the progress of its agriculture, is incontestable; but I have not here to inquire what are the different causes, that, under the omnipotent ægis of liberty, have produced this result; neither is it incumbent on me to prove, that it is in no degree owing to entails, or the law of primogeniture. In fact if we reflect, that in Italy, in Spain, and wherever else the system of irresponsible freehold succession has been introduced, it has occasioned the deterioration of land, and the impoverishment even of those for whose benefit it was invented, we shall be convinced, that the agricultural prosperity of England must be ascribed to other causes. If a

tree abounding in sap be planted in a fertile soil, it may be subjected to a bad system of management perhaps with impunity, its natural vigour may triumph over the obstacles opposed to its growth; but we must not ascribe to the errors of the manager, what is owing to its strength of vegetation.

LETTER V.

Consequence of the Division of Property; its influence on Population and Morals.

Our correspondence is too hasty to allow us, I will not say to sift thoroughly, but even to touch, on all the questions, that arise on the division of property: some however are too important to be passed over in silence; and among these is the influence of the equality of its division on the increase of population. It is the principle of population that brings political economy within the sphere of morality and religion; and it is in this respect particularly, that Malthus has so greatly advanced the science: but the greater the importance of discoveries made relative to this question, the more fatal mistakes may prove.

One of the arguments most frequently repeated in England against an equal division of property,

is the tendency ascribed to it of increasing population, in a ratio infinitely more rapid than that of subsistence. "By the division of property," says Arthur Young, "you will soon arrive at a point, where the land, however cultivated, cannot feed a greater number of mouths; yet men will retain that simplicity of manners, which is favourable to early marriages. Are not the consequences of such a system, the most frightful we can imagine? By persevering in it you would soon exceed the population of China, where we see unhappy creatures, who seem to have been brought into the world only to perish through want or starvation, greedily disputing the stinking carcases of dogs, cats, mice, and the filthy remains of animals of all kinds. Small properties subdivided are the greatest source of misery we can conceive; and this fatal system has already produced such ravages in France, that all division of land below a certain number of acres ought incontestably to be prohibited by law." (*Travels in France, vol.* 1, *p.* 413, 414.)

Thus does a traveller justly celebrated for his agricultural knowledge express himself: and the

learned writer of the article *Cottage system*, in the Encyclopædia Britannica, quoting this passage in support of his arguments, seems to adopt it himself, and give it all the weight of his authority. Is there, I ask, a more extraordinary proof of the influence of a prevailing prejudice over the most enlightened minds? In fact, while certain ideas are confined to inert bodies, it is not difficult for independent men to emancipate themselves from them, and combat them: but when they become almost universal in a country, the minds of those who think most justly are influenced by them; and like the aëronaut, who undertakes to navigate in a single element, the compass of truth ceases to be their guide, they are carried along by the atmosphere that surrounds them, and have no longer any standard by which they can judge of their course.

To assert, as many ignorant or superficial travellers have done, that France is in a state of progressive wretchedness; and that the excess of its population, in comparison with its means of subsistence, threatens it every moment with the horrors of famine; would be such an excess of

absurdity, that they do not venture bluntly to declare as much: but wait a little, say they; this fatal equality of division has not yet produced all its fruits; perhaps at the present instant it has some deceptive advantages, and it is at some future time, that the abyss of evils it prepares for you will be disclosed. We have already had occasion to observe, that the division of property with us dates much earlier, than is usually supposed. But besides, is France the only country, where this equality of division is in full play? Has not a similar law prevailed in Switzerland for ages? Is not the division of landed property there carried much farther, than in any province of France? Yet who can have studied, who can even have traversed that fine country, without perceiving evident signs of prosperity, and of that morality, which is at once the effect and the cause of the well-being of its inhabitants?

The estate of Coppet is in that part of French Switzerland, which, after having been prepared for liberty by the Protestant religion, by public instruction, and by the paternal if not enlightened government of the republic of Berne, now enjoys

with happiness and tranquillity the benefits of independence. The land around me is so divided, that the majority of proprietors possess less than an acre of ground. Nevertheless, I believe I may affirm, that no part of Europe exhibits an equal image of prosperity. Far from the population being superabundant, labour there is dearer than in any other country on the Continent. The active charity of the well-disposed scarcely finds any wants to relieve: and the assistance, received with gratitude when given with kindness, would be proudly refused were it offered haughtily. There is no jealous hatred toward those, who are more favoured by fortune; no pride that renders man averse to any useful occupation; none of that servile disposition, which seeks indemnification for humility to the great in arrogance toward the little; every where independence, and every where happiness. No doubt an extreme division of property may have an injurious tendency to promote too early marriages: but it is advantageously combated by a sentiment of foresight, the fruit of morality, information, and comfort, which suggests to a man, that he ought not to become

the master of a family, till he has acquired the means of providing for its subsistence, or give birth to more children, than he can bring up in a condition equal to his own. In the course of forty years, the increase of population has been little perceptible in that part of Switzerland, with which I am best acquainted; and in the same period of time the most rapid progress is observable in the culture of the land, and in the welfare of the inhabitants.

The example of Ireland is always quoted by the English economists in support of their arguments against the division of property; and it is easy to conceive, that their minds are preoccupied by such a distressing spectacle. See, they say, with what alarming rapidity the subdivision of land has increased the population beyond measure, and carried wretchedness to its height. Previously to the year 1784, Ireland was still a grazing country, divided into farms of large extent. At that period an erroneous system of bounties on the exportation of corn and other matters of the first necessity, produced an artificial increase of prices, the consequence of

which was bringing under the plough all the land susceptible of it. But as want of capital rendered it impossible to find farmers capable of cultivating large estates, the proprietors found themselves obliged, first to divide them, and afterward to sub-divide them among the children of their farmers. Others, urged by the desire of increasing their political influence through multiplying electors devoted to their commands, granted leases for life of a great number of small farms to peasants, who thus acquired the right of voting. Others, lastly, adopted the *cotter system*, at present become nearly general in Ireland, which consists in giving to labourers, instead of wages, a little plot of ground to cultivate, without however making them proprietors of the soil. What has been the result of these erroneous measures? The population of Ireland has increased in an exorbitant degree: in 1790, it was scarcely four millions: in 1821, it was nearly seven.* The

* In England, they reckon three acres and a half to an inhabitant: in Ireland, only two and five ninths on an average, and scarcely one acre in the most populous counties.

[redacted]t food that can support life, the potato, [redacted]ne the regulator of wages, as well as the only limit of the increase of the agricultural race; and unhappy Ireland is now covered with an improvident people, without resource against the least change in the course of the seasons, constantly threatened with famine and all the evils in its train, and ever prone to the transition from servile apathy, to a ferociousness that knows no restraint.

I do not deny any of these facts, though I have had no opportunity of verifying them, as I have not visited Ireland; but I am far from drawing the same inferences from them against an equal division of property, which others have done. In the first place, one general observation strikes my mind: this is, that, as in viewing the prosperity of England we must never lose sight of the omnipotent influence of liberty and justice, so, when inquiring into the causes of the wretchedness of Ireland, we must place in the first rank in all our calculations religious intolerance, want of instruction, a bad choice of magistrates, and in short all the fatal consequences of an oppressive system of

government. Besides, and this is the true point in question, there are not in the whole world two more distinct conditions of life, I would almost say more opposite, than that of a poor farmer in the service of a great lord, and that of an independant small proprietor. The consciousness of property, the duties and enjoyments attached to it, the responsibility it imposes, unfold in the one all the social virtues, to which the other remains for ever a stranger. Property gives birth to foresight, the desire of bettering our condition, the fear of a decline in that of our family, and respect for the rights of others, a natural consequence of that we claim for our own: while the wretched Irish cultivator, always threatened with the want of absolute necessaries, always dependant on the caprice of a master or manager, seeks in the arms of his wife the only enjoyment he has in common with the rest of mankind; trusting for the subsistence of his children to the compassion of his master, till the moment when urged to the utmost by want he takes barbarous vengeance on the injustice of society.

This essential distinction has been entirely lost

sight of, or at least greatly neglected, by those English economists, who have examined the question, whether the distribution of small plots of ground to indigent families would be an efficacious means of checking the progress of the poor rates. Almost all have decided in the negative. I would boldly answer "No," if the object were small farms: "Yes," if it were small properties. But this question of the poor rates is so vast and important, that we cannot enter into it here; and I must be satisfied with asking your permission to discuss it hereafter, should our correspondence be prolonged.

Observe too, before we proceed to other considerations, that the example of Ireland proves nothing in regard to the influence of the law of primogeniture on the extent of cultivation. In fact, the law of succession is nearly the same in Ireland as in England; yet these two countries stand at the opposite extremities of the agricultural scale. Why is this, if not that in one, large capitals have produced large farms, while in the other, capital having fled before the face of

oppression, proprietors have been obliged to divide their land into small farms?

The English economists, in general so able at observing facts and drawing just inferences from them, have their minds for the most part so warped on the question of the division of property, that the most palpable truths escape them. The population of France in 1789, according to the reports of the Constituent Assembly, was 26,300,000: it is now about 30,000,000. This, certain English writers represent to us as an alarming fact; while they forget, that the number of inhabitants of England and Wales has risen from 9,168,000 to 12,218,000. Thus the population of France has increased fourteen per cent in thirty-five years, amounting to eight per cent in twenty years; and during the same twenty years the increase of the population in England has been thirty-three per cent, or four times as much. Such a rapid increase sufficiently proves, that the concentration of landed property has not all the efficacy that is ascribed to it, in keeping up a due balance between the quantity of food and number of

its consumers. I will even go farther: I will venture to assert, that entails and the law of primogeniture have a tendency to increase the number of children in the higher classes, nearly in the same way as the poor rates tend to the augmentation of indigent families; namely, by preventing the father from cautiously looking forward to the lot that awaits his children. Under the system of equal division, a man would not have a greater number of children than he could make provision for: under that of primogeniture he is sure, that the splendour of his name will be maintained by the eldest son, and his vanity is satisfied. This sentiment, so common among the wealthy class, even in England, ceases with him to operate in aid of prudence; and the age or health of his wife alone limits the number of his children. Without denying, that purity of manners is one of the principal reasons, that account for families in the higher ranks of society being much more numerous in England than in France, I have no hesitation in believing, that the motive I have just pointed out has its share in the result.

You are not sensible of the force and beauty of

pride of family, the English often say to foreigners, who discuss with them the point in question. Certainly we are: but there is something that exceeds in beauty and in force the pride of family; and that is family affection. The one may spring from vanity or interest; the source of the other is in the heart. One may be excited artificially by institutions, that sacrifice the happiness of individuals to the lustre of a race; the other rises spontaneously from similitude of conditions, and a community of interests and enjoyments.

The only family relation that exists in England in its full beauty is the conjugal tie. Nowhere do we find in the same degree faithful protection on the one hand, with tender and religious attachment on the other. Nowhere do we see wives share with equal courage and simplicity the pains and dangers of their husbands, in whatever career their duty may call them. This conjugal affection unquestionably is not without influence on the reciprocal love between parents and children; but it operates more particularly at that period of life, when paternal affection amalgamates with conjugal love. When the sons attain the age

of manhood, when the fathers begin to grow old, it cannot be denied, that there is a degree of roughness in their mutual intercourse.

The very word employed by a child in addressing his father, *sir*, seems to indicate forced respect, rather than affectionate confidence. The eldest son, certain from his birth, that the title and estate of his father will belong to him, is accustomed at an early age to consider himself as independant: what he receives from his parents appears in his eyes rather a debt than a favour: and frequently he conceives he has a right to control the conduct of his father in the employment of a property, which he considers beforehand as his own. The father on his part, following the disposition of his rank, prides himself on the heir of his name, and neglects for him the condition of his other children; or, on the contrary, sees a rival in his successor, and is anxious to deprive him of every thing he can take from the estate.

The death of a father, or that of an elder brother, to whom there is a hope of succeeding, are the subjects of jests on the English stage, that are not merely tolerated, but applauded; while with

us they would be revolting to the rudest audience. I am far from applying these remarks more generally than would be consistent with justice: but I have seen instances of what I advance, and the mere fact, that such sentiments can germinate in a country so moral and religious as England, evinces a defect in its institutions.

To hope that the affections may remain totally uninfluenced by interest; and unaltered by laws, that render the condition of the members of the same family so disproportionate; is to expect more from human nature, than its weakness and corruption will admit.

"Be it as it may," said Dr. Johnson, "the law of primogeniture has one great advantage: it makes but one fool in each family." This witticism includes two assertions: one, which I think very questionable, that the want of fortune excites the activity of younger brothers; the other, which is true in general, but not applicable to England, that the certainty of enjoying a large fortune extinguishes the intellectual faculties of the eldest.

The first of these assertions may have some

foundation, when applied only to the most opulent families in the first ranks of society. Suppose a man to have an income of fifteen thousand a year, and divide it equally among five children: each will have an income of three thousand a year, or just enough to enable him to live comfortably, without allowing him however to undertake any thing on a great scale, as the improvement of agriculture, working of mines, or cutting canals for the benefit of trade; in short to contribute to the welfare of his country in promoting his own. It is probable then, that each of these five sons will spend his life in idleness, and his useless existence will leave no trace behind it. If, on the contrary, the whole of the fortune had been left to the eldest; the younger sons, accustomed to the view of high life in their paternal mansion, and aware, at the same time, that they must depend on their own exertions, to attain similar enjoyments; will begin at an early age to exert their faculties with energy, and rise by their talents to that rank, in which his birth had placed the head of the family.

The eldest on the other hand, charged with the management of a large fortune, will be obliged

to acquire at least some knowledge; his understanding will be unfolded by practical application; and thus, instead of five men of mediocrity, you will have perhaps one useful man, and four of distinction. Such at least is the reasoning I have frequently heard in England. But families with fifteen thousand a year are so far from numerous, and of so little importance in the general order of society, that a system of laws advantageous to them alone is not worth consideration. If we descend from these privileged heights, we shall find, that for one younger brother, whose ambition has been excited by want of fortune, and who has ultimately triumphed over every obstacle, a hundred have failed in their attempts, and spend their lives in idleness, for want of a capital allowing them to engage with advantage in some branch of business.

In every country on the Continent where the system of entailed estates has been introduced, the intellectual nullity of the nobility is become proverbial; and the grandees of Spain exonerate me from the trouble of seeking any other examples of this indisputable fact. If Great Britain form an exception in this respect, as in so many others,

let us be careful, I repeat, not to ascribe this phenomenon to the institution itself, by which its development has been limited; let us recur to its true causes, and not fall into the everlasting sophism of common minds, *post hoc, ergo propter hoc.*

I will suppose it to be said: there is a country in the world, where large estates are in part entailed, and where all are subjected to the law of primogeniture. The eldest sons alone inherit the property of the father, to the exclusion of their brothers and sisters. They are treated from infancy as hereditary princes; and are accustomed at an early age to look on their parents only as the usufructuaries of an estate, which they are certain of possessing entire at some future day. In this country the nobility, that is, in the English sense of the term, the men of title and their eldest sons, enjoy numerous prerogatives, independently of their constitutional privileges. These prerogatives commence at college, where they are seated at a separate table, distinct from that of simple gentlemen or citizens. Young men, already their equals or superiors in talent, and destined perhaps some day to become their superiors in

dignity, stand while they dine, and do not begin their dinner till they have finished. On quitting the university, they take by right of birth alone those degrees, which others obtain only after a strict examination. Scarcely are they of age, when a seat in the House of Commons is ready for them, without any farther trouble than appearing as a candidate, and making some pecuniary sacrifices, which the fortune of their father renders of little importance. During the whole course of their lives, however mean their abilities may be, their title ensures them attention and respect. From the sorry pleasure of being the first to enter a room, to the important privilege of being the hereditary rulers of their country, and to the noble prerogative of having an influence on the fate of their country by their vote, there is no advantage in society that is not securedto them by their rank, without having to merit it by any effort, without any fear of being deprived of it, though neither their talents nor their characters legitimate their claim.

After having drawn the picture of such a country *a priori*, let me ask any man of sense,

wherever he may have been born, "What must be the result of such a frame of society? What effect must it have on the moral and intellectual state of the higher classes?" Is there one, who will hesitate to answer? "The nobility of the country, of which you speak, cannot avoid falling into a state of progressive degradation of intellect. Ignorance and folly are the natural effects of the system you have delineated."

Would he be wrong in drawing such a conclusion? Assuredly not. Well, nothing is of my invention; the country of which I have spoken, is Great Britain: yet we need only run over the list of the House of Peers, to be convinced, that no class of men surpasses or even equals the English aristocracy in knowledge, in talents, and in virtues. The reason is, this aristocracy is far from being exclusive, as on the Continent, but always open to whoever is worthy of a place in it; it is not exempt from the fertilizing principle of rivalry; and among a free people, public opinion is more potent in exciting the faculties, than the privileges of birth and fortune are in extinguishing them.

It says to the young heir of a patrician family: the customs of the university confer on you the privilege of obtaining without effort those honours, which to others are the fruit of assiduous application; but the love of learning, the esteem of your fellow students, are above this privilege. It says to the nobleman, arrived to the possession of his title: the laws and customs of your country grant you extensive and easy prerogatives: you may enjoy them in idleness: no one will dispute them; no one will oblige you to do any thing for a social system, that has done so much for you: but, if your heart be animated with generous thoughts, I have higher rewards to offer you: merit the respect of the good, and the applause of an enlightened public.

This is the secret of the moral superiority of the English aristocracy, and not entailed estates, not the law of primogeniture. Let us not persuade ourselves, that privileges, like the guest of the satyr in the fable, can blow hot and cold: can make brutes in Spain and Austria, and men of distinction in England.

LETTER VI.

Political influence of the Division of Property.

It remains for us to consider the division of property with respect to its political influence; but this subject is so vast, that I can scarcely run over with you a few of the arguments employed in England by the partisans of large estates.

These arguments are of two kinds: some are taken from the interests of the monarchy, others have in view the maintenance and developement of liberty.

"The most essential condition of a monarchy," we are told, "is, that between the king and the people there shall be a well-understood gradation of aristocratic bodies, serving as a support to the

throne, and defending it against the attacks of democracy. Remember the Constituent Assembly. It insulated the royal power amid institutions completely republican, like an obelisk erected on level ground. The consequence was, the first popular tempest was sufficient to overturn it. An hereditary peerage in a constitutional, a privileged nobility in an absolute monarchy, is indispensable to the stability of the regal edifice: but as wealth is one of the necessary elements of that splendour, with which an aristocracy should be surrounded, it follows, that a monarchy cannot dispense with entailed estates, the law of primogeniture, and other institutions, that have a tendency to concentrate property, and perpetuate it in the same family."

Supposing this last reasoning to be just, I should not the less reject the whole of an argumentation, the chief fault of which consists in confounding the means with the end.

The different kinds of government are only methods invented by society, to secure the morality and happiness of nations. Of these methods I allow monarchy to be the most perfect: still it

is but a means; it does not of itself constitute an end, that is to be obtained at any price.

If then it were demonstrated on one hand, that certain institutions are indispensable to the duration of a monarchy, and on the other, that these institutions are detrimental to morality and happiness, we should be authorized in drawing an inference far from favourable to monarchical government. If an *ulema* proved by learned arguments, that the custom, which authorizes the Grand Seignior to cut off fourteen heads a day without any reason but his own caprice, is an institution essential to the power of the Sublime Porte, assuredly we should not conclude, that this atrocious custom should be retained, but that the mussulman tyranny should be destroyed.

While employing this example as an argument *ad absurdum*, do not suppose that I think of making a comparison between the despotism of Constantinople and a limited monarchy, between the entailment of estates and the arbitrary cruelties of a Sultan. I believe, that liberty and justice may prosper under a monarchy, provided

publicity and the intervention of the country take place in the management of its affairs. I am equally inclined to believe, that, in the present state of society in Europe, an hereditary peerage, rich and independant, may be a useful institution in some countries, which it would be imprudent to renounce, where it already exists, and substitute for it arbitrary schemes, or inventions not sanctioned by experience. But precisely because such is my opinion, I would avoid saying, that an artificial distribution of property by laws, the inconveniencies of which we have acknowledged, is a necessary condition of the establishment and duration of this peerage.

Where the true elements of its existence are found, it will prosper without the aid of these laws. On the contrary, where the state of men's opinions and manners are repugnant to it, entails cannot impart to it that moral force, which alone can render it advantageous to the monarch and to the people.

In our day, public employments, particularly on the Continent, are the chief source of wealth in the higher ranks of society. If this be an evil

in many respects, it may also be urged, that they who fill these employments, being thus placed in a more enviable situation, have every eye fixed upon them, and find themselves so much the more amenable to public opinion. This is the case at least where the spirit of party has not corrupted the moral sense, and where men in power do not carry the want of shame so far, as even to be vain of the very reproaches that should overwhelm them with confusion. Public employments, we have said, are most commonly the origin of large fortunes. Now in a monarchy these employments are the natural appanage of those who surround the throne, and who add to the advantage of leisure that of being habitually near the distributors of power; particularly when, being invested with an indefeisible office, it becomes of importance to the crown, to secure their votes in the legislative assembly. The elevated rank too, in which they are placed, facilitates their obtaining advantageous matches: that wealth attracts wealth, is a fact acknowledged at all times, and in all countries. What occasion is there then of accelerating this natural propensity by institutions,

which, as we have seen, endanger the welfare of all for the pretended advantage of a few? I say the pretended advantage; for, wherever trade and industry do not concur, under the protection of a free government, in the augmentation of capital, entails alone have never sufficed to maintain the splendour of families. Sismondi has demonstrated this in a very striking manner, in the first volume of his New Principles of Political Economy.

Considered with respect to the interests of liberty, the subject before us, I confess, becomes more delicate, and more difficult to discuss. The arguments of the partisans of large properties, those of Malthus in particular,* acquire here a precision, that fails them on other points of the question.

In the system of an equal division of property, say they, it necessarily happens, that the state alone is enriched by the sacrifices of those who pay taxes; but no one acquires such a fortune or consideration in society, as enables him, when it

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* Principles of Political Economy.

is requisite, to oppose a barrier to the encroachments of power, or the aberrations of popular opinion; to protect the weak, and support and encourage the poor and conscientious man, who refuses to bend the knee before an unjust order, or bow to the caprices of a victorious party. Every one having precisely that degree of fortune, which secures his welfare only on condition of paying constant attention to his own affairs, no one has any leisure to devote gratuitously to the concerns of the public; the mind becomes indifferent to every thing in which it is not personally interested; men of quiet dispositions sink into apathy; the active seek after places, as the simplest means of enriching themselves; and selfishness and vanity daily increase the influence of government. "Such a country," says Malthus, "is the soil for establishing a military despotism."

With sorrow I confess, these reproaches are not without foundation. It is but too true, that we have found ourselves without defence against the different systems, that oppressive or docile governments have imposed on our country: we have experienced them; we have passed

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from one to another with lamentable facility; and the generous beings, who have retained in their hearts the sacred flame, have not been sufficiently strong, nor sufficiently tranquil in the possession of their political importance, to rally a number of friends around their standard, and resist by turns the never changing yoke of a despot, and the irregular tyranny of the multitude.

But is it to the equal division of property, that we must impute these sad results? Do the laws of entail and primogeniture possess the wondrous secret of curing all political disorders? England itself proves the contrary: for England also has had its period of weakness, and even of servility. The privileges of its nobility and of its corporate bodies, and the independance of its great landholders, have been far from sufficient always to repel tyranny, or even to enter into a contest with it. There are events of such magnitude, as to disconcert all institutions, so weighty, as to break down all resistance, because they are designed by Providence to change, not the forms merely, but the essence of society. Such was the French revolution: and far from supposing, that we must

seek in the equal division of property the cause of those public virtues we still want, I find in it, on the contrary, the source of most of the qualities we possess. The consciousness of having property, supplies in some measure the place of that independance of character, with which citizens are elsewhere inspired by the knowledge and exercise of their rights. The day labourer feels himself less at the mercy of his wealthy employer, when he has a plot of ground he can call his own. The placeman is less docile and compliant to those in power, if he possess a patrimony, that secures him at least from absolute want.

The throng of persons in office bequeathed to us by the imperial government is not the least of the evils, for which we are indebted to that fatal period. At no time was the number of places at the nomination of government in any country carried to such an absurd excess as in France. If a list of those belonging to the department of the administration of justice alone were shown to an Englishman or an American, it would appear to him scarcely credible. What shall we say to that of the home department, or that of the

finances? But all these offices, many of which would be more beneficially filled if they were executed gratuitously, and without any other incentive than the public opinion; while still more are altogether superfluous, and a mere waste of time and intellect; are not on these accounts sinecures, but very far from it.

The magistrate who sits throughout the year to decide causes, that would disappear under a better system of judicial proceedings and regulations; the man in office who spends tedious mornings in writing circular letters, filling up forms, making out lists, and directing by a thousand pedantic rules, transactions, that should be left free to the good sense of the people; are both assuredly engaged in labours, that must appear useless to the eye of reason. But they are by no means idle: they deem themselves necessary wheels of the great machine of society; and when at the year's end they compare their very moderate salaries with the time they have devoted to the duties of their office, they may justly imagine, that they have m de no very advantageous bargain with the government. In their minds, as

well as in the general opinion, the notion of a vested right is attached to the long possession of a place; and accordingly we see in this country, where the greatest political injustice sometimes passes without any observation, the suppression of a place seldom fails to excite the commiseration and discontent of the public.

The question presents itself under a different aspect in England, where placemen are much better paid in proportion to the labour they perform; and where the government, content with securing a large portion of influence by the favours it dispenses, does not pretend, as with us, to do every thing, to see every thing, to interfere in the slightest relations between man and man, and guide them as in leading strings.

It is unquestionably advantageous, that many public functions should be entrusted gratuitously to men of wealth and property, as independant in circumstances as in character; but this advantage has no inseparable connexion with the law of primogeniture. We even see by the side of families, who deem it a duty and an hereditary honour to defend the liberties of the people,

others, and these in great number, who yield themselves without reserve to ministerial influence, through the desire and almost necessity of obtaining for their younger children preferment, posts, or sinecures.

That the independant resistance of a wealthy and enlightened aristocracy may be ranked in the number of guaranties of freedom under a monarchy, I do not deny: but, without repeating what has been already said, I believe the importance of such a security is greatly exaggerated even in England; and that it would soon become illusory, were it deprived of other institutions, which enlighten and give strength to public opinion.

I must here point out to your reflection a change that has taken place, and is daily operating in the way of thinking of the people of England. This change is not the less incontestable, for not having been sufficiently appreciated by the political writers of that country.

In the year 1688, it was not a movement of the body of the people, but the knowledge and interests of the aristocracy, that expelled the

Stewarts, and changed the form of government. The revolution being happily accomplished, the great whig families naturally found themselves at the head of affairs; and the nation, grateful for their having anticipated its wishes, and satisfied its real wants before it was thoroughly acquainted with them itself, for a long time required nothing more of them, than to maintain themselves in power. Certain names were the standards round which public opinion rallied; and during the greater part of the eighteenth century, domestic politics turned more on persons than on principles. Shall it be the whig aristocracy, or the tory aristocracy, that shall fill the office of ministers? such seems to have been the whole subject in debate. During this period, no doubt the nation increased in greatness, and liberty made some progress: but this progress appeared only in the back ground, the front of the picture was occupied by the interests of the aristocracy. Certain memoirs of the last century, those of the Earl of Waldegrave in particular, are very curious, read in this view. If the names did not remind the reader, that the scene was in England, he

would often be tempted to believe, that it was at Madrid or Versailles, and that he was taking a peep at the *Cadran-Bleu*, the interests of liberty and the people are so completely lost in the intrigues of the court and cabinet.

Many circumstances, in the foremost rank of which must be placed the American war and the French revolution, have contributed gradually to change the character of the domestic politics of England. Men have begun to demand of an administration, not merely to display these or those colours, but to satisfy this or that want, to conform to a given order of opinions or interests. Measures have acquired importance, in proportion as men have lost it; and people now inquire, not so much who are the ministers, as what the ministers do.

On the other hand, the sphere of parliamentary discussion is enlarged: many objects of public or private concern have passed from the hands of ministers into those of parliament: many others, and these are a majority, daily pass from the domains of legislation to those of the personal or collective activity of the people, and parliament intervenes only to sanction the results of the spirit

of association. In proportion as the social order is elevated by the progress of knowledge, the base of the political edifice enlarges, the nation manages its affairs itself, and public opinion becomes more and more the real sovereign of the country. Such is the natural progress of societies, when no artificial obstacle fetters them in their course.

The power of opinion is a new phenomenon in history, and forms the distinguishing characteristic of the present period. Its influence is felt not in free countries alone: despotic states cannot emancipate themselves from its sway: they league in vain to combat it, and are carried along unconsciously by the atmosphere that surrounds them. Soldiers innumerable obey their orders, their newspapers are mute, their nobility is without power, their people without liberty, no barrier opposes them; yet they feel themselves restrained by some unknown, invisible power. If they commit an act of injustice, they feel obliged to excuse it by sophistry. If they be guilty of any folly, it seems as if all Europe in chorus chaunted the song of king Midas, and public opinion supplies with them the place of conscience and good sense.

No doubt, in the rising progress of England at large, the aristocracy has not ceased to occupy and deserve the first rank: but let us not deceive ourselves, it no longer gives the impulse, it only participates in the general movement of the country. Let us not fall here into the common error of ascribing the effects of many concomitant causes to one alone, which for the most part has had only an accessary influence on the result.

If we now turn our eyes toward France, we shall be struck with one final and decisive consideration. In the political system, as in the moral, and in the physical world, it is the attribute of God alone to create powers; we can only observe their mode of action, and apply them to our use. The skill as well as the duty of a statesman consists in availing himself of all the elements, with which he is furnished by society; in studying with care all the germes that are unfolding, in order to employ them in the welfare and advancement of the community: but to create moral elements, with which neither the history nor the manners of the country furnish him, is beyond his power.

Now I am not afraid to assert, that the aristo-

cratic element does not exist in France; where it is so feeble, and so little accordant with the whole of our manners and ideas, that something of the ridiculous and bombastic invincibly attaches to our attempts to unfold it. Under Buonaparte this might have been ascribed to the newness of his dynasty: but why is it the same since the restoration? It is because at no period of its history has France possessed a national aristocracy. The nobles there, as soon as they ceased to be feudal, became *courtiers;* and hence the idea of hereditary prerogatives is inseparable in most minds from that of unjust privileges or puerile vanities.

The robes of the peers of England are ancient *togæ* of magistrates, the antiquity of which heightens their splendour, and the mere appearance of which at once recalls to mind historical remembrances, that seduce the imagination, and constitutional guaranties, that are grateful to the understanding. The dress of ceremony of our peers, the uniforms of our courtiers, composed but yesterday with the learned assistance of the tailor and milliner, are and will long remain nothing more

than stage dresses. The more splendid the material, the richer the embroidery, the more they do honour to the exquisite taste of the inventors: but as to their effect on the imagination, as to the moral influence with which they are endued, of these I think I may be allowed to doubt.

Wait, I shall be told: nothing can supply the place of time: begin by establishing entailed estates and the law of primogeniture, and let these institutions take root. I will not assert, that the efforts our statesmen may make with this view will be stamped with complete impotence at the outset; but at least we may be permitted to think, that these efforts would be employed with more utility in any other direction. With money, toil, and patience, it is not absolutely impossible, to make cedars of Lebanon grow in the plains of Beauce, but every man of sense would prefer cultivating corn there. To found the hope of liberty on imperceptible germes of aristocracy, that perhaps will never unfold themselves, would be imitating the archbishop, who ordered hemp to be sown, when he was told his servants wanted shirts.

We agreed at the commencement of this discussion, that any interference of the legislature in the direction of capital and division of property was generally fatal. We find at the conclusion, that we have arrived at the same truth, and in this respect I shall not dispute the inconveniences of the French law, by which the will of the parent is too strictly limited. It is impossible to decide beforehand, that the division of property, or its concentration, will be constantly the most advantageous system for the community. The wants of society vary as well as the interests of each family, and the reason of the individual is the only competent judge respecting them. Every useless restraint imposed on it therefore seems to me vexatious: and the law, that permits the father of a family to do what he will with his property during his life, to give it away, squander it, or lose it at the gaming table; and prohibits the same father from distributing his possessions among his children, when he writes his will, with the thoughts of death and sentiments of religion present to his mind; is surely inconsistent.

Confining the question within these limits, I

readily agree with the English economists; I willingly claim a greater latitude for the right of bequeathing; but I take care to go no farther. I do not cease to think, that, where the will of the father is not declared, an equal division between the children should remain the general law; and if, even after the adoption of a new law, the manners of the nation should continue to cherish this equality of division, I should congratulate my country on it.

LETTER VII.

Aristocracy and Democracy.

I SAID in my first letter, that it was scarcely possible, to make any general assertion respecting England, to which we might not easily oppose a contrary assertion. This remark was not dictated by the love of paradox, it is fundamental, and merits some investigation.

England is the only country in Europe where all the elements of modern civilization have freely developed themselves, the only one where they have had full scope. While other nations have been subjected to artificial forms; have received the stamp of a foreign legislation, or been restrained in their growth by regulations framed at pleasure in the council of a king or the cabinet of a minister; England alone has made itself what it is: alone

too, while enriching itself with the progressive acquisitions of human reason, it has made no sacrifice of what it inherited from times past. Boldness in enterprize, tenacity in preserving, have been the characteristics of the nation, ever since the time when the barons exclaimed with one accord: *Nolumus leges Angliæ mutari:* and by these it is still distinguished. Hence the peculiar attractiveness of the study and picture of England. It is the land of contrasts: it is a tragedy of Shakspeare, a novel of Walter Scott: every thing is there combined, and every thing is full of life and originality.

No doubt the various elements, found collected there in such abundance, often require to be reduced to more regular order; there are briars to be extirpated, straight paths to be traced out: but where vegetation is rich and vigorous, the labour of the gardener is easy. Every day corrects some abuse: publicity in the social world, like the sun in the natural, corrects the faults of men, and fertilizes their labours. From day to day we see general order springing spontaneously from the well-directed application of individual powers.

But this order is not the cold symmetry, to which inert matter may be subjected; it is the living order of nature: a thousand different forces combat or balance each other, and vary to our eyes the spectacle of the universe, without disturbing the harmonious beauty of the whole.

How different a picture does our political organization display! On paper nothing can be more methodical. The ground is well levelled, the symmetry is admirable, the borders of a Dutch garden are not more nicely squared by the line; we may give an account of the whole by its limits and abuttals. Is any thing to be regulated? the mayor addresses himself to the sub-prefect, he to the prefect, the prefect to the minister, whose decree on large paper, with abundance of figures and tables, returns through the same channel to the regulatees [*administrés*], a technical term by which the French people is designated. Is a point of law in question? the hierarchy is equally well regulated: we have three hundred and sixty tribunals of the first instance, then twenty-six royal courts, then a court of cassation. We have judges, then counsellors, then presidents, attorneys of the

king, and attorneys general: each has his particular task, his uniform, and his allowance. Nothing can be more easy to learn by heart. This is not all: we have a charter of seventy-six articles. The first article declares us all equal in the eye of the law: the fourth says, that liberty is secured to every man: the eighth asserts, that we have a right to publish our opinions: according to the thirteenth, ministers are responsible for their conduct: the thirty-fifth gives us an elective chamber: the sixty-fifth maintains the trial by jury. Would you have further liberties? look for any other article under its proper number. It would be ungracious not to be satisfied with rights so clearly registered.

Now should some inquisitive person step forward and say: no doubt you have these highly estimable institutions, and a beautiful scheme of government. But if, amid your systematic arrangement, public functionaries should erect themselves into an oppressive aristocracy; if a mayor should indulge himself in arbitrary conduct toward his *administrés*, as you call them; if this conduct be confirmed by the prefect, and

sanctioned by superior authority; if the government should render elections illusory by means of force or intrigue; if a minister, ambitious for himself, or for the party to which he is subservient, should overturn even your fundamental institutions; if freedom of speech in the chambers, or the publicity of judicial debates, were attacked, what means of resistance have you? Have you any real securities? And if such securities do exist, have you that activity, energy, and jealous vigilance, by which alone acquired rights can be preserved, and new ones gained?

Alas! what answer could we give? Should we not be obliged to confess, that, in our political system, every thing wants life and reality; and that the methodical and uniform order, which reigns on the surface of our institutions and manners, conceals the greatest of social disorders within, the total absence of the means of resistance, and the still more pernicious absence of a sentiment of our rights and duties as citizens.

In the course of our correspondence I have had many occasions of pointing out to you the various

contrasts, that England offers; but I would not now wander from the subject, to which we find ourselves naturally brought by my last letters.

England is a country eminently aristocratic. It is so by its institutions, opinions, and manners. It is more so than any other country in Europe, more than would seem possible from the general progress of the age; finally, I will not hesitate to say, more than its true interests and happiness render desirable. This observation is particularly striking to us, who have all the habits of democracy, liberty excepted; and who look on superiority of rank in society with perfect indifference, or with jealousy and spleen, according to our situations or tempers.

In the unequal division of property, law of primogeniture, entails, an hereditary peerage, electioneering influence, distinction of ranks, honorary prerogatives, privileged corporations, every where we find the element of aristocracy. But does it reign alone? Assuredly not. If it may be said with truth, that aristocracy has taken deeper root in England, than in any coun-

try on the Continent, we may affirm with equal confidence, that democracy exists not so really and actively in any other part of Europe.

I do not even speak of popular elections, county meetings, public meetings of every kind, where the first persons in the state are obliged to attend, and receive the praise or blame of the multitude. But let us simply consider the popular organization of England. Is there any thing on this side the Atlantic more republican? Is there a country in Europe, where the body of citizens at large directs itself most of its affairs, ecclesiastical, administrative, and financial; where it appoints officers of police, collectors of taxes, managers of the poor, inspectors of highways? Do not imagine, that these are matters of empty form, in which no interest is taken, or burdensome duties executed with repugnance. No: they are rights duly appreciated, and daily exercised by the lowest citizens in England. Every parish is a little democratic state. There are parishes in London, and in other cities of England, where the animated contests of parties and local interests remind us of the Italian republics in the middle

ages. Like Florence, they have their *fuorusciti*, who, driven from power by an opposite party, after long struggles recover their preponderance, and regain the confidence of their fellow citizens. The election of a magistrate, the adoption of some measure of local interest, sets men's minds in motion, and raises their passions: they meet, speak, write, plead, spare nothing to secure the triumph of their opinion or their party. But under the omnipotent hand of justice public order has nothing to apprehend from this effervescence, which diffuses life throughout the lowest ramifications of the social order. The word *country* is not an empty abstract term: it presents to every citizen not a vague idea or national halo, but a living image of the sentiments and interests of his whole life.

This combination of aristocracy and democracy, which strikes us in the political institutions of England, is not less remarkable in its manners and customs. The regularity, with which the degrees of precedence are fixed from the king to the labourer, appears to us pedantic, and not without reason. However, on closer considera-

tion, we find it possesses the advantage of calming self-love, by introducing right even into the empire of vanity. In countries where social distinctions are arbitrary, assigning a man priority of place in a drawing-room, or the right or left hand at table, is a personal decision: it is saying to him, I have more respect for you than for your neighbour. In England, it is merely the acknowledgment of an established fact, A marquis of twenty takes precedence of Mr. Pitt, the prime minister; a mere fox-hunting baronet precedes Mr. Wilberforce, without its entering into the head of any one to be proud of it, or to take offence at a custom established by law.

In this country, where all the elements of social order both good and bad are found united in greater abundance than any where else, the pride of rank no doubt also finds its place. Not only are constitutional prerogatives sought, but places at court, coats of arms, mottoes, all the old paraphernalia of the feudal system are retained with a degree of importance sometimes ridiculous. We meet with families, which, proud of their antiquity and alliances, would not exchange the

rank of a simple gentleman, or *commoner*, for an hereditary title, and would almost think it a derogation to accept a peerage. There is even a county, that of Cheshire, where the native gentlemen conceive themselves entitled to treat as upstarts even lords, if their descent cannot be traced as far back as their own. But these trifling anomalies, these local prejudices, or this family pride, little engage the attention of the public, whose views and ambition are especially directed toward the honorary distinctions, that are intimately connected with useful functions or constitutional sureties; and the spots of family or local vanity are lost in the splendour of the dignity, that attaches to the man or the citizen.

I will go farther, without fear of being contradicted by any one acquainted with the way of thinking in England. Along with this decided propensity for the distinctions of rank, there is in some points a greater freedom from aristocratical prejudices, a more just and simple manner of considering different conditions in society, than even in our country of France, winnowed as it has been by the revolution. If a mechanic acquire an independant fortune by his industry, settle on

an estate purchased by the money he has saved, live in a respectable manner, and display some degree of zeal and knowledge in public affairs, he will soon find himself considered as a *gentleman*, be placed in the list of justices of the peace, join persons of the highest consideration in his county at the *quarter sessions*, become acquainted with them, be invited to their tables, and treated with a simple civility not rendered humiliating by any appearance of condescension. Of this I know many instances.

But, you will say, the persons of whom you speak have quitted their occupations: would it be the same, if they continued to follow them? would they then encounter no repulse from prejudices? does no prejudice prevent the son of an ancient gentleman's family from embracing a lucrative employment? I say no, without hesitation; and I can prove it by more than one fact. The younger sons of peers daily engage in trade, without any idea of derogation entering into their minds. The brother of a man, who would have been distinguished by birth, had he not been a thousand times more so by his talents, has be-

come a wine merchant, without his family, his friends, or the public, finding in it any thing strange.

A foreign prince was present some years ago in the gallery of the House of Commons. He heard an opposition member treat ministers with a spirited freedom, that astonished and confounded one habituated to the constraint of a foreign court. "Who is that speaker?" said he to his neighbour.—"Mr. Whitbread."—"Whitbread, the brewer?"—"Yes, certainly."—"What! a brewer speak thus to the minister of foreign affairs!"—"Why not?"—"And is this brewer received in the great world? whom did he marry?"—"The sister of Lord Grey; a woman descended from the blood-royal of England."—"Is it possible?"—"Very possible, my lord; and even so natural, that you are the only person present, who would be surprised at it." This conversation was related to me by one who witnessed it.

You will tell me, that Mr. Whitbread was not like the generality of brewers: that his large fortune, his talents, his character, gave him a

distinct rank. Undoubtedly they did: who thinks of disputing it? I do not say, that a man's being a brewer is sufficient, to enable him to marry into a family surrounded with all the splendour of birth, virtue, and talents. Such notions are the rude dreams of demagogical intoxication. What is of importance to a well-ordered society is, that every kind of exaltation is accessible to all honourable efforts; that every advantage rank, wealth, or talents can confer, is certain of being estimated at its proper value, without any one excluding or being detrimental to another: if the imagination bear sway in regard to ancient remembrances, that of reason does also in the respect paid to personal merit.

In our correspondence, I avoid as much as possible the introduction of names. The English have as much or perhaps more repugnance to praise in print than to criticism: and though this sentiment is not free from pride, the kindness, with which I have long been honoured in England, the familiar acquaintances I have formed there, make it my duty to respect it. However, as

I have mentioned Mr. Whitbread, a few words concerning his son will serve to give you a just idea of the real state of men's minds on the subject before us.

Mr. Charles Whitbread, at present member for the county of Middlesex, inherits the fortune and reputation enjoyed by his father. Educated at Cambridge, he claimed and obtained the college honours without examination, as a descendant of the blood-royal by the mother's side. Do you imagine he was proud of this somewhat whimsical privilege? By no means: he possesses as much modesty and simplicity as any man living. His only view was to establish a right founded on custom. Possessing immense property, connected by marriage and habits of intimacy with the first families in the kingdom, do you imagine he thinks of quitting the brewery, that made the fortune of his father? or that it hurts his pride to see his name on the signs of half the public-houses in London and the south of England? certainly not; and I shall not do him the injustice to conceive, that he can hesitate between the pleasures

of idle vanity, and the influence he enjoys through his various relations with men of all classes in society.

In France, we have often seen want of fortune lead to marriages very unequal in regard to rank. But when the heiress of an ancient name espoused a rich man of yesterday, or when a great lord married into the family of a financier, by how many insolent phrases, or at least contemptuous civilities, were these reminded, that the state of their fortunes alone had led to the union! A jest so coarse that I am almost ashamed to repeat it, "to dung their ground," had formerly become almost a general term to express marriages, by which birth sought to obtain the pleasures of luxury, and offered those of vanity in exchange. And even now that equality has introduced itself into our manners, as well as into our laws, it is seldom that noble families, when allied by marriage with rich persons of low birth, deny themselves the pleasure of insinuating, that, if the revolution had not overturned every thing, they should never have stooped to such matches.

In England no doubt persons eagerly seek alliances, (*connections* as they express it,) that will heighten their consideration, or increase their political influence or reputation. Great value is attached to ancient descent, and aristocratical traditions: but the different classes of society, though more distinct in appearance, are really united by more intimate ties, and form a whole much more compact.

If the son of a common shopkeeper, or even of a mechanic, distinguish himself in the public schools, and display superior talents at the bar, he may rise without obstacle to the rank of lord chancellor; enter the house of peers with an hereditary title, the splendour of which will be transmitted to his children; and serve as a beacon to all, who, born in a low condition like himself, feel themselves animated by a generous ambition. One of his sisters may marry a descendant of the Howards or the Percies, and become related to all the great nobility celebrated in the history of England. Another, married at an earlier age, may be the wife of one of her own class, and remain in

it. One of his brothers may have followed the profession of arms, and obtained a peerage by his bravery, as he has done by his learning and talents. Another, less fortunate, may continue in the shop of his father, or in the office of an attorney: without this great difference between the members of the same family exciting astonishment in any one. I am not here making gratuitous suppositions: whoever has a little studied the domestic constitution of England, knows as well as I, that similar combinations have existed, and may exist again.

The taste of the English for titles and aristocratic distinctions is carried to a foolish excess. You will see them rush in crowds to stare at a foreign prince, whose fortune and political importance are inferior to those of the least member of the house of commons. In the respect shown by the common people to the higher classes, there is something so eager and submissive, that at first view it might appear servile: but on a closer inspection you will soon find, that their respect to rank is always united with a very just and even nice appreciation of the real

merit of the person on one hand, and with a profound sentiment of their own rights as citizens of a free country on the other.

Far from familiarity or rudeness toward superiors being a proof of independance or dignity of character, nothing better assimilates with a servile complaisance toward power, and submissive insensibility to injustice. The Andalusian muleteer smokes his segar with a grandee of Spain: is it because philosophy or liberty has rendered them equal? Certainly not: ignorance and despotism have produced in the one rudeness of manners, in the other ignoble sentiments and habits.

The first condition for obtaining respect in England, in any class, is to be what is called a *gentleman;* an expression that has no corresponding term in French, and a perfect knowledge of which implies in itself alone a pretty long familiarity with English manners. The term *gentilhomme* with us is applied exclusively to birth, that of *homme comme il faut* to manners and station in society, those of *galant homme* and *homme de merite* to conduct and character. A *gentleman* is one, who, with some advantages of birth, fortune,

talent, or situation, unites moral qualities suitable to the place he occupies in society, and manners indicating a liberal education and habits. The people of England have a remarkably nice feeling in this respect, and even the splendour of the highest rank will seldom mislead them. If a man of the highest birth depart in his conduct or merely in his manners from what his situation requires of him, you will soon hear it said, even by persons of the lowest class, "Though a lord, he is not a gentleman."

If this great lord be guilty of the least injustice; if he behave improperly in certain respects toward the man, who just now accosted him with the most submissive humility; you will immediately see a proud rudeness succeed to that respect which was accorded to rank, but is refused to arrogance. The sentiment of right is so strongly imprinted on English minds, that every human consideration vanishes, as soon as this vital principle of social dignity and liberty has to fear the slightest infringement: and, in a country so monarchical, even the splendour of royalty is insufficient to cover the least infraction of

what all the citizens consider as their common patrimony.

George III. once ordered a gate and road through his park at Richmond, which had been open for years to foot passengers, to be blocked up.* A tradesman of Richmond, who found this path convenient to himself and the other inhabitants of the village, took up the cause for his neighbours: he maintained, that, if the path were originally a trespass, it had become a public way by lapse of time; that the right of prescription was acquired; and he would compel the park-gate to be opened. He did not hesitate to bring an action in a court of law, and obtained a verdict in his favour. If any governor of the Louvre or the Tuileries should take a fancy to close against the public the walks and passages they have enjoyed from time immemorial, should we find many citizens in Paris, who would bring

* It was not George III. but the princess Amelia, daughter of George II. and ranger of Richmond park, who blocked up the gate. This however does not affect the argument. The plaintiff was a brewer, of the name of Lewis. *Tr.*

the case into a court? or many judges, who would give a decree in their favour?

In London, I have seen the carriage of a prince of the blood seized by his creditors, at the moment he was entering it to go to court. Do you imagine the persons of whom I speak were stern republicans, enemies to royalty or to the aristocracy? Not in the least: they were very obedient subjects, men as susceptible as others of an inclination and respect for the privileges of rank: but at the same time they were English citizens, who knew their rights, and chose to avail themselves of them.

I have sought in vain in England, in all the classes I have had any opportunity of observing, for a sentiment too common among us, that passion for equality, which degenerates into a jealous antipathy to all kinds of superiority in society; an antipathy, the objects of which are not always confined to the fortuitous advantages of birth or fortune, but sometimes even the natural prerogatives of talent. If a sentiment of this kind exist any where in England, it will be at most among a few authors or periodical writers

of the second class. But even in this class it is very rare, that polemical violence leads to envy of the inequality of stations in society, or the odious passion of levelling.

I speak not here of the radicals, because we shall have occasion to notice them hereafter: I will say however by the by, that, though the strict consequence of their principles would be a complete confounding of rank and property, the majority of them are at present not the less sincere in believing, that their desires are confined to a simple political reform.

This freedom from jealousy of the higher classes is the more remarkable, as the disparity of fortunes and conditions is carried to a very high point. I know an English gentleman, whose mansion is surrounded by more than ten thousand acres of land, devoted entirely to the pleasures of the chace, or taking the air; and another who might cut down wood to the amount of more than a million of livres (40,000 guineas), without rendering his groves less picturesque. For many miles round there is not a family independant of them, not a house the property of the person who

lives in it, not a garden that is not a temporary grant to him who cultivates it. Yet in such an artificial state of society no one repines, no one entertains a wish to pull down the colossus, and to share his spoils. That such should be the case in Russia, where the lord appears to his slaves as a sort of demigod on earth, is easily conceived: but this tranquil respect to such exorbitant superiority, combined with an energetic sense of liberty, and an active desire in men to better their condition, is the miracle of the social order.

Equality however is making progress in England, as in the rest of the world. Thank Heaven it is the natural tendency of the age; a tendency, by which those, who vainly pretend to combat it, are unconsciously carried away. But England has this vast advantage, it is by the elevation of the lower ranks, not by the depression of the higher, that the inequalities are diminished. The people do not dispute either the prerogatives or the wealth of the aristocracy: they are too proud to claim any thing but a free career, certain that talents and energy will open a way for them to honours which are accessible to all.

That an equilibrium is desirable between the

different elements of the social order, as between the different faculties of man, cannot be disputed. I deem it equally incontestible, that the aristocratic principle has too great preponderance in England; and that the natural progress of the human race toward equality is not there sufficiently rapid: but the skill of the legislator, like that of the physician, consists in restoring the equilibrium by strengthening the weaker organs, without stifling the stronger; and this, at least in my opinion, we shall see accomplished in England. The diffusion of knowledge throughout all classes, the unheard of progress of industry and talent, tend to increase the action of the democratic principle with much more force, than the policy of a minister, or the intrigues of a party, can tend to fortify the opposite principle. But this development proceeds without convulsions. From day to day the labouring classes approach the middle classes, and these the higher ranks of society, without the aristocracy having to complain of being stripped of any of the advantages, that the traditions of times past have bequeathed it.

LETTER VIII.

Means of Publicity—Newspapers.

Of all the means of publicity, no one contributes more than the newspapers to that general diffusion of a moderate degree of knowledge, which I mentioned in one of my early letters as the distinguishing characteristic of England.

In every country the periodical press is one of the most important results of modern civilization: but no where is it so essential an element of the social organization as with the English, and with the Americans, whose manners are perfectly similar to those of the English in this respect. Elsewhere newspapers are a powerful weapon, of which governments and parties avail themselves by turns: in England and in the United States they are the

agent, the indispensable medium of all the connexions men have with each other. There are few villages in England, where the reading of a newspaper is not become a primary want: and in America, I am told, we even see servants making it one of the stipulations of their engagement.

The circle of readers is incomparably more extensive in England than with us. They reckon about a thousand circulating libraries, and more than three hundred book clubs; an ingenious institution, which I think might be introduced into France with advantage. A certain number of persons join to purchase books in common, the price of which would exceed the means of each individual. The books circulate among the members of the society, and at the end of the year are sold or divided. Thus, if such a club consist of twenty members, each has the use of a number of books, equal in value to twenty times his subscription money.

On the other hand, philanthropic and religious societies have so multiplied elementary and pious books, that, in spite of the high price of [illegible]

thing in England, such works are no where sold cheaper, and brought within the reach of a greater number of readers.

Political newspapers have quadrupled in England within the last forty years. In 1782 their number was seventy-nine; and in 1821, according to a report made to the house of commons, they were two hundred and eighty-four. None of these papers, except the *Observer*, which is published only once a week, have so many subscribers as the *Constitutionnel*, or the *Journal des Debatés*, which are sold at a much lower price. Even the *Times*, the most considerable of the English daily papers,* does not print above eight or ten thousand, but every paper passes through the hands of a greater number of readers.

The style of the papers sometimes savours of this. Having to gratify the taste of the very great number of readers they reckon upon in the lower classes of society, they are obliged to have recourse to phrases, the energetic familiarity of

* The Times, I am informed, has paid for stamps, the sum of forty six thousand pounds sterling, in a year.

which occasionally degenerates into coarseness. "When I took up the *North Briton*," says the celebrated Wilkes, "this paper was written by two persons, Churchill and Lloyd, one a wit, the other a poet. I soon saw, that it could not go on thus. I laid aside their fine writing, and began to cry as loud as I could bawl: 'the Scotch! the Scotch! the Scotch!' Thus I turned out lord Bute." In fact, the great strength of the newspapers consists in the frequent repetition of simple images, and arguments level to all capacities.

This strength is immense in England: the power of the journalists increases there daily, and becomes so much the more formidable, because the writers of this class are generally discontented with their station in society. In fact the respect paid them bears no proportion to the actual power they exercise, either from their talents, or from the tremendous weapon they wield: a power, which the spirit of making common cause with our fellows has doubled of late, for, though opposed to another as members of a party, they are united as journalists; and the moment one of them is attacked in this capacity, all his colleagues, what-

ever their opinions may be, form an impenetrable phalanx around him. In America the power of the newspapers is still more formidable; and the dread they inspire sometimes deters men from entering into the career of public life, who, though zealous in the cause of liberty, are afraid of the torrent of invective, that the opposite party would pour on them or on their relations.

The spirit of the French is perhaps better adapted than any other to newspaper writing, a species of literature, that requires most particularly quickness of perception, lively repartee, clear and rapid recapitulation. Transient as have been the moments of liberty enjoyed by our journalists, and vicious as our present legislation is, very remarkable talents have already been displayed by this class of writers. I seldom open one of our periodical papers, without being struck with the elegance of style and sagacity of reasoning, that are observable in a great number of articles; and I have seen this opinion shared by Englishmen, who, little acquainted with the progress France has made in this career, could not avoid showing some surprise, slightly tinctured with disdain.

But we are, nevertheless, pursuing a false system in respect to newspapers. We have introduced the division of labour, where it is not merely useless but injurious. We separate political and literary journals from commercial, legal, and magisterial news, and from periodical collections relative to jurisprudence. But as few persons are able to subscribe for these different publications, though they all more or less directly concern the citizens at large, it follows, that readers of each class remain ignorant of the subjects, that are not within the immediate sphere of their business or tastes, and the publicity of each is only partial. The country manufacturer has no knowledge of any improvements made at Paris, or in other parts of France, or it reaches him very tardily. The monied man in the metropolis is ignorant of the ways in which his capital might be advantageously employed in the country. The decrees of our twenty-six royal courts are secrets to all but those who frequent them; while a more extensive publicity would, perhaps, prevent a decree in opposition to one preceding it, or a decision contrary to common sense; or would,

prevent a counsellor from undertaking a cause, for which he would afterward have to blush at the bar of public opinion.

The daily papers, the first object of which at present is to gratify the passions of their party, or amuse the idle, would acquire a more solid and useful character, when they became the depositaries of such a number of facts, and would be obliged to be cautious of assertions, to which these very facts would give the lie.

An English newspaper is a kind of microcosm, in which all the circumstances that interest the community are displayed. We there see daily the debates in Parliament, the pleadings of counsellors, and decisions of the courts, faithfully reported; not merely, as with us, in a few cases that may excite curiosity, or serve the views of a party, but in all causes, civil and criminal. The charges of judges, and simple affairs of police, have the same publicity. Strongly as differences of opinion are pronounced in this country, violently as polemics are exercised,

respect to facts is carried too far, for a journalist to venture to falsify them. Never, or scarcely ever, does the same debate in Parliament, or the same cause in a court of justice, exhibit an aspect wholly different, when read in papers written by opposite parties. The first thought of the antagonists is to settle the lists with fidelity.

Speeches at county meetings, and at assemblies of the people of every kind, whether religious, philanthropic, political, or commercial; those of the East India Company, of the Common Council of London, and of other corporate bodies of any consequence, are published in the newspapers. By these, the government makes known the conditions of its contracts; the candidate for a seat in Parliament solicits the votes of electors, and thanks his supporters for their exertions; competitors of all kinds exhibit their claims, and solicit suffrages. The births, marriages, and deaths, of persons of any importance, their arrivals and departures, the company assembled at their houses, the least circumstances of their lives, are all known, all appear in print. The

whole of Great Britain appears to be the house of glass of the ancient philosopher.

Hence arise a boldness, a frankness, in all the reports, that are unknown on the Continent. The mind requires publicity, as the body does exercise in the open air; and every one is so accustomed to this system, that even men who are the most susceptible on the point of honour never think of taking offence at the jokes, of which an action or speech may be the subject in a newspaper. In this respect there is the same difference between the citizens of a free country, and those who have contracted the narrow habits imposed by despotism, as between the *athletæ*, inured to the exercises of the Gymnasium, and those men brought up in the shade, σκιοτροφοι, of whom Greece in the days of its glory, spoke with so much contempt.

Perhaps we must except from this observation the leaders of the mode and of aristocratic futilities. Drawing-rooms resemble each other all the world over; and of all the passions vanity is the most uniform. People of this description are much divided in their opinions on the liberty

of the press. If, on the one hand, they are flattered by the curiosity that appears to follow all their movements; by the daily publication of the names and titles of the persons who dine with them, of the dresses of their wives and daughters at a ball or a levee, of the number of the game they have killed, and I know not how many such trifles; on the other hand, their delicate susceptibility dreads the rude touch of the newspapers. It is even probable, that in the conflict between these two points of vanity the liberty of the press would be worsted, if the habits of the citizen did not happily get the better of the weaknesses of the man of the world.

As to the aristocracy of the court, considered as a political party, a great change has taken place within these few years in its system, if not in its sentiments. Formerly it was a decided enemy to the liberty of the press: now it finds it more advantageous, to turn it to its own purposes, and to let loose hired journalists against the friends of liberty, while at the same time it harrasses with prosecutions writers of opinions opposed to its own. The English aristocracy is

not alone in having made this fine discovery; and in this respect other countries are completely on a level with Great Britain.

To our honour, however, it may be said, that we have nothing comparable in violence and baseness to such a paper as *John Bull;* and it is a phenomenon inexplicable to me, that public opinion has not long ago done exemplary justice on the infamous calumnies, which this journal vomits at pleasure against the best men in England.

The liberty of the press has recently escaped one of the greatest perils, with which it was ever threatened. A society was formed in London, under the unworthily usurped title of the *Constitutional Association,* to prosecute at the joint expence of the subscribers every work, which it might think proper to term a libel against religion or the state. You will easily conceive the danger of such an institution: its members being freed from the restraint of public opinion by not appearing under their own names, it would prosecute without fear writings, that the crown lawyers would be ashamed to attack openly; and

thus sap the foundations of the liberty enjoyed by newspapers, of which public shame is one of the greatest securities. But liberty is like those vivacious plants, the powerful vegetation of which stifles the weeds, that seem as if they would stop their growth. The *Constitutional Association* could not stand against the rectitude of the moral sense of the English; a jury did it justice; it has fallen into contempt, and will soon be forgotten.

LETTER IX.

Newspapers.—The preceding subject continued.

I WAS astonished, as well as you, in one of my former letters, that some of our politicians were capable of conceiving an idea of prohibiting the press from mentioning any circumstance in private life, and not allowing a writer accused to prove the truth of the facts related by him. Nothing better displays the faultiness of such an idea, than the state of the English law in this respect, and the habits that have arisen from it.

The law of defamation is so vague, and at the same time so severe, in England, that Bentham pleasantly defines a libel to be—"Any thing, which any body, for any reason, dislikes."

Nothing so far can satisfy those, whose system I am obliged to combat. The English law goes

even beyond their wishes: it divines in some measure their most secret thoughts.

This is not all: it offers him, who thinks himself injured, two modes of obtaining reparation. He may bring an action of damages, or institute a criminal prosecution. In the latter case, as the crime consists, in the eyes of the law, not in having defamed an individual, but in having disturbed the public peace; and as the peace may be disturbed by a well-founded allegation, as readily as by a calumny, the writer accused is not allowed to prove the truth of the facts.*

On the contrary, in the case of a civil action, which resolves itself into damages, the plaintiff must prove, that he has suffered injury in his person or reputation; and hence the defendant has a right to plead the truth of the facts he has alleged. This is termed pleading a *justification*. In this case the defendant gains a verdict, if he can establish the truth of the facts, which he may

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* Some judges have gone so far as to assert, that [truth enhances the criminality of a libel, as it is more likely than falsehood to occasion a breach of the peace. *Tr.*

adduce witnesses to prove: and here we have the application of this maxim of the English law, that the plaintiff must come into court *with clean hands*, must be *rectus in curiâ*, according to the legal phrase.

Every one is at liberty to choose between these two modes of obtaining justice. It would seem natural, then, to suppose, that in all cases, but particularly when the defamation turns on circumstances in private life, preference would be given to a criminal prosecution, which does not expose the plaintiff to the vexation of finding his conduct sifted, commented upon, and often even held up to public derision, by the counsel of the defendant.

By no means: recourse is commonly had to a civil action; and the reason is very simple. The mere fact of preferring that species of process, in which all proof of the truth of the facts is prohibited, would produce in the minds of the jury and of the public a prejudice unfavourable to the plaintiff. Every one will say, the assertion must be well-founded, since he will not consent to its discussion: and the plaintiff, even if he gain his

cause, will find his reputation more injured by the trial, than by the defamation itself.*

I am far from thinking, that the truth of the facts alone is sufficient, to entitle him who proves it, to a verdict. This is allowing a privilege to defamation founded on actual circumstances; a defamation sometimes more dangerous and immoral than calumny itself. But the greater the weight of this remark, the more extraordinary is the preference given to a civil action over a criminal prosecution.

I dwell on this practical answer to the erroneous system I am pointing out to you: a system, which, in pretending to free the body of citizens at large from the control of public opinion, to

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* In cases of importance, either from the nature of the libel, or more particularly from the rank in society of him who is the subject of it, it sometimes occurs, that application is made to the Court of King's Bench for a criminal prosecution by way of *information*. The plaintiff must then begin by making affidavit of the falsehood of the facts alleged against him. But, on the other hand, the defendant is allowed to confirm them: and, in general, the court grants the *information*, without any nice examination of the contradictory assertions, unless, indeed, the truth of the facts appears to it incontrovertible.

which persons in office alone should be amenable, would encourage among us that timidity of mind and manners, which offers an obstacle to the establishment of liberty much more dangerous than the malevolence or ignorance of the possessors of authority.

It is to be observed also, that this distinction between public and private life, so strongly marked where those, who occupy no place at the appointment of government, are disinherited of all rights, or at least destitute of all political occupation, loses itself by imperceptible degrees in the happy countries, where every citizen is connected in a thousand ways with the administration of the affairs of the community. We may even say, that there is no Englishman, who may not consider himself as a public character. No kind of life, from the gravest to the most frivolous, from the most recluse to the most public, can abstract itself from the empire of opinion and the piercing eye of the journalist. Does a landholder retire into the country, and live in the bosom of his family; unconnected as he may choose to remain with general politics, he

cannot refuse to participate in the affairs of his county or his parish; he will be a member of some agricultural or other association; he will take a part in some philanthropic meeting: hence his neighbours, his colleagues, will have a right to judge of his conduct, and this judgment will pass into the newspapers. Is he a man of fashion, running after frivolous pleasures alone: he will be the steward of some ball, the arbitrator in a wager, the umpire of a race course: this is sufficient to place him at the bar of the public, by which these diversions have been witnessed; he cannot escape from the omnipresence of the press; and if the vanity of the man of the world may sometimes be hurt by it, the conscience of the citizen is purified and strengthened.

The publication of a newspaper in England is an undertaking that requires a large capital, and a degree of activity, of which scarcely any other kind of speculation can give an idea. The promptitude, with which an account of the meetings of public bodies is printed, confounds the imagination. A speech of Brougham, Macintosh, or Canning, scarcely delivered at six o'clock in the

afternoon, will be read by all London before ten at night; and we may almost literally say, that a member of parliament addresses himself to the whole nation.

It has often happened, that I have been in the house of commons till two or three in the morning, and on rising to breakfast have received a full and faithful account of the debate, that had lastedmore than eight hours. I have witnessed a fact even still more extraordinary. I was present a whole morning at a county meeting, forty miles from London; came post to town; and on my return found an account of the meeting, and a summary of the speeches I had heard, already published in an evening paper. Short-hand writers standing in the open air, pressed on all sides by a tumultuous crowd, had taken notes with a pencil on loose papers, with which messengers ready to receive them hastened to London, as page after page was filled.

The editors of newspapers spare neither trouble nor expense, to procure information with all the speed possible. If any unforeseen event occur after the distribution of a paper, a second, a third, and even a fourth or fifth edition is printed, which

hawkers, furnished with large tin horns, hasten to cry throughout all the streets of the capital.* The application of the steam-engine to printing presses enables papers to be worked off with a rapidity, of which our best workmen fall very short, and the extraordinary promptitude of conveyance still farther increases the powerful action of newspapers. Thirty hours after the close of a debate in parliament, an account of it is published in the city of York, two hundred miles from London. At the time of the celebrated trial of Hunt, at Manchester, a summary of the proceedings in the court appeared in the London papers, even before the letters by post from Manchester were distributed. The *Times* alone had three expresses on the road.

The extreme rapidity of all the movements of the social machine is one of the most prominent features of England, and of those that strike foreigners with astonishment, whether they contemplate it in the material or the political world. Horses cleave the air; orders are executed in an instant;

* This practice is now prohibited by act of parliament, on the plea of its being a nuisance. *Tr.*

business of the greatest consequence is transacted in a few lines or a few words; scarcely is one question interesting to the public discussed, before another of equal importance succeeds it: civilization seems to proceed at full gallop. Yet every thing is conducted without noise, and without bustle: all have their places so well marked out, their path traced so clearly before them, that all those trials, all those fluctuations, that consume so much time and power in countries not so well organized, are wholly avoided.

With regard to political news publicity is so much a common right, that a minister frequently sends what he receives to the newspapers, even before he communicates it to his colleagues. I was accidentally at the office in Downing street, when a diplomatist recently landed in England, and quite fresh from the school of Ratisbon, came to ask lord Castlereagh if he had received any news.—"News!" answered his lordship: "yes certainly, and very important news: here is the second edition of the *Courier* just published; read it, and you will know all I know." Never in my life shall I forget the countenance of the diplo-

matist, stupified at being acquainted in such a simple manner with what was to be known by all the world. "What!" his looks seemed to say; "not a note, not a memorandum, nothing official, only a newspaper to send to my court! I shall neither have the honour of secrecy, nor the pleasure of indiscretion."

There is no country in Europe where the trade of embassador is more simple than in England; and where all the artifices, all the pretended skill of diplomacy, would be more useless. All that a stranger can know he may learn by reading attentively the journals of the opposite parties: and as to the facts or projects, which it is of importance to the government to conceal, no questions, no intrigue, no artifice of spies can discover them. The small number of persons employed by ministers renders an indiscretion almost impossible: and there are cabinet secrets, that are transmitted from one administration to another of the most opposite opinions and principles, without ever being betrayed by party jealousies, or in the heat of parliamentary debate.

The larger the portion given to publicity, the

more impenetrable is what it is thought proper to refuse it. This is not applicable to political questions alone, but to all the affairs of life.

The limits between what is exposed to discussion, and the points on which it is forbidden to touch, are traced by public opinion with a degree of nicety, that may appear at first view overstrained; but the justice of which we are nevertheless compelled to acknowledge. A man who would patiently suffer his simplest actions, his slightest words, to be censured with asperity, attacked with violence, or even ridiculed without mercy, would take offence at the slightest suspicion of the sincerity of his intentions, or the disclosure of a fact of no importance, if the knowledge of it were acquired by an indiscretion. The reason is, in the first case his conduct only is attacked; and a man's conduct, even in private life, is more or less the property of the community: while, in the second, we penetrate into the domains of conscience, or the sanctuary of friendship. The public opinion in this respect is perfectly equitable; and the complaints of a man, who felt himself thus offended, would be ardently sup-

ported even by those who would be the farthest from feeling any good will toward the individual.

The intercourse between man and man in England is often rude, but always just; and the sense of right is common to all classes and all opinions. It is the natural quality, the instinct, as we may say, of every Englishman.

The insertion of advertisements relative to business forms a considerable part of the profit of an English newspaper. This branch of revenue for the *Times* alone produces, I am told, more than thirty thousand pounds sterling a year. The advantage of the most extensive publicity is so fully appreciated by the merchant, the shopkeeper, the manufacturer, and every one who is desirous of selling the produce of his labour, or calling attention to a new undertaking, that no expense is spared to promote this object. I have heard an instance of a bookseller, who in a single year expended £.5,500 sterling in advertisements. Frequent as these insertions in the newspapers are, they do not satisfy the activity of the mercantile world: there is no invention to which it does not recur to draw crowds of customers. One has

his name and address in gigantic characters posted on the walls from Dover to the extremity of Scotland. Another, not content with these stationary announcements, employs constantly living and moving advertisements, the sons of toil, whose sole business is to parade through the most populous streets of large towns, with a huge printed paper on a board at the top of a pole.

The English, so simple in their manners, so taciturn and circumspect in their conversation, have recourse on these occasions to a superfluity of bombastic puffs, that would not disgrace the eloquence of a quack in the public square of Naples. This practice is so common, that it has even received a particular name, *the art of puffing*. But no sooner has a shopkeeper or manufacturer acquired any repute, than the national character re-appears. The sentiment of his own dignity, pride if you will, occasions the disappearance of all this scaffolding: his name on his door in small characters is deemed by him a sufficient recommendation; and, after having long courted the public, secure of his future success, he proudly waits till the public comes to him. The quackery

at the outset was only a judicious calculation, one of the conditions necessary to the success of a well-combined speculation.

I am afraid my letters will appear to you too desultory; and that you will accuse me of a total want of order and method. Idleness is perhaps the sole cause of this fault, and I must submit to your censure, or intreat your indulgence. But I am not without a motive in following the clue of my memory, without attempting a more philosophical course. England, it is true, displays large masses, which the observing eye may seize; but to take them in at one view, it must be stationed at a distance. On coming near, on penetrating into the country itself, and this is the aim of our correspondence, we find ourselves in the midst of a crowd of eccentricities, contrasts, anomalies of every kind, the sinuosities of which it is necessary to trace. Thus on looking closely at the picture of a great master, whose style we would study, the groupes, which, from a certain point of view, formed the most harmonious whole, appear only a mixture of colours thrown together at random.

Various as are the objects, that the public papers in England embrace, literature is nearly excluded from them; and I think, not without reason. Straitened in space and time, in the fugitive pages of a daily paper, literary criticism is necessarily frivolous and superficial: it addresses itself to vanity or idleness; and to give or receive applause is the only triumph of which it is ambitious. If occasionally it become more serious; if it seek to penetrate into the depths of thought; it appears pedantic and bombastic, and seems out of place: you seem to see a college professor, who has lost himself in a gay assembly. Facts, above all things, facts, and the few reflections immediately flowing from them, are what the English public justly require in a newspaper. It is to more ample collections, appearing at longer intervals, that it has recourse for information of the progress of literature and philosophy.

These collections, of which the *Edinburgh Review* was the first, effected a kind of revolution in the intellectual world. Hitherto, literary journals were nothing but booksellers' advertisements, in which every publisher had the works he brought

out praised as he thought proper. The Edinburgh Review began a new era: men of learning, thinking men, politicians of the first rank, united together, not merely to give an account of this or that book, but to render a certain system of principles and ideas triumphant. Their talents and perseverance were crowned with success: they had imitators and rivals, and reviews are now become a real intellectual and political engine.

I shall not trespass on your time, by speaking to you of these different reviews, with which you are as well acquainted as myself: I shall not even dwell on those that may be considered as the organs of the three great parties by which England is divided.* I shall merely call your attention to a feature common to them all: this is, in giving an account of the principal works that appear, they do not so much attempt to analyse them, and judge of them separately, as to unite in one point of view all publications of a similar kind;

* The Edinburgh, the Quarterly, and the Westminster Review.

and discuss with energy the subjects on which they treat. In fact, this is the point that truly concerns the public: this forms and daily augments that homogeneous mass of just and positive notions, which cannot be too strongly pointed out as one of the most essential characteristics of England.

LETTER X.

Of Public Meetings.

A MAN of wit said: "The language of despotism is, 'mind your own concerns:' that of liberty is, 'attend to things that don't concern you.'" In this pithy form he announced a grand truth.

The constant aim of despotism is, to isolate every thing that exists; to make two portions of the human species, one of which shall enjoy in idleness the pleasures of power without control; while the other, devoted for ever to particular employments, shall trace, like the ox, one uniform furrow. In a free country, on the contrary, nothing that affects any class of citizens, can be foreign to the rest of the community. There is not an Englishman, however humble the rank in which he was born, who is not justly entitled

to think, that his opinion is of some weight in the affairs of his country; and, reciprocally, there is no individual so exalted, as for his daily conduct to be exempt from the examination and judgment of the public.

With us publicity is considered as an extreme resource, an *ultima ratio populi*, to which we have recourse only in desperate cases, and after having exhausted all other means of attaining our object. If persons engage in an undertaking of public or private concern, they always found their hopes of success on the disposition of men in power: business is conducted in the closet of the minister, or in the drawing-room of some man of weight. While there is any chance of succeeding through favour, it would appear rude or indiscreet to speak out, and call on the public to judge of our griefs or projects. In England publicity is a matter of common right: men address themselves to the opinion of the public at once: this is the first power, the support of which they solicit; and even men desirous of treating with government would begin by seeking popularity, well

knowing it would be for the interest of their ambition.

Is an abuse to be reformed, an improvement to be introduced, a right to be claimed, a new institution to be founded? whether it concern religion, morality, liberty, or the public wealth, the first indispensable step is to enlighten public opinion on the point in question. The attempt to fix the public attention is begun by writing pamphlets or paragraphs in the newspapers. Then a few people of note form a committee, and prepare a string of resolutions, which are submitted to general discussion. When agreed so far, a meeting is called, either in the open air, or in one of the large rooms adapted to the purpose, which are to be found in almost every large town in England. A chairman, called on by the public voice, presides over the meeting: the resolutions are discussed, and put to the vote; and, amid the most stormy debates, a certain familiarity with the forms of deliberation, common to all classes of the people, maintains order, and protects the rights of the minority.

Frequently, at these meetings, orators before unknown appear in public for the first time, and display talents, that perhaps pave the way for their future admission to the senate. The next day their speeches are printed in all the newspapers, and resound throughout all England. The first meeting gives rise to others, men's minds are enlightened and warmed, and the public opinion acquires a degree of force, any resistance to which would be useless.

It is not without reason, therefore, that the English set so high a value on the right to assemble for the discussion of public affairs, and place it in the first rank of their constitutional prerogatives. The right of petitioning, as they conceive it, is nothing but the right of meeting to deliberate on the requests or complaints expressed in the petition; for the houses of Parliament are not expected to decide like judges on every requisition addressed to it. Particular cognizance is taken of a petition, only when it is made the subject of a motion by some one of the members. The right of introducing a subject is not given indiscriminately to the public at large,

which would be a confusion of power leading to anarchy. But what is justly required is, that public opinion should enjoy the utmost latitude in forming and expressing itself. Now frequent and numerous public meetings are indispensable to this. It is truly ridiculous to speak of liberty in a country, where every periodical meeting of more than twenty persons is illegal without the sanction of government; and this article of our laws is one of a thousand proofs of the melancholy truth, that the imperial despotism still constitutes the basis of all our political system, and that the charter has scarcely modified its surface.

The right of meeting has undergone some restrictions, at first under Mr. Pitt and subsequently under lord Castlereagh, against which the opposition violently exclaimed. It has branded with the name of *gagging bills* the various acts, that set certain limits to the exercise of this right, as well as to other points of the liberties of the people; and some novices among the liberals of the Continent have taken pride in asserting, that England was enslaved. An anxious jealousy

of the slightest infringement of the rights of the people inspires me with too much respect for them, to undertake the defence of the restrictive measures adopted by the English government. They are vexatious in several respects. But as it appears to me well worthy attention, to point out what the friends of liberty in England have considered as a serious stretch of authority, I will recapitulate some of the clauses of the act of 1820, which laid a temporary restraint on the power of meeting in public; and I believe you will exclaim with me:—Would to Heaven we were enslaved in the same way!

The act in question prohibits, it is true, every meeting of more than fifty persons in the open air, to discuss any question relative to religion, politics, or government: but the various exceptions it allows to this prohibition leave to the right of meeting a latitude, that the most ardent friends of liberty would scarcely venture to claim for it in France.

In fact, it excepts county meetings, and those of districts, provided they are convened by the lord lieutenant, governor, sheriff, deputy sheriff,

or various other magistrates, according to local circumstances; or, lastly, by five justices of peace acting in concert.

Equally excepted are meetings convened by a majority of the grand jury during the assizes; public meetings of the inhabitants of any city, borough, or corporation town, when called by the mayor, bailiff, or other civil officer, holding the supreme authority of the place.

Observe here, that many of the magistrates, to whom the right of convening these meetings is allowed, are elected by the people, others are not removeable, and all exercise their offices gratuitously, and are chosen without distinction of party from those classes, who are rendered independent by their fortune and understanding: so that it is impossible for any serious grievance to arise, or any question of importance, without the persons whose interests are affected, or opinions wounded, being sure of making their complaints heard in a numerous meeting of their fellow-citizens.

This is not all. None of the formalities I have pointed out are applicable to meetings composed

solely of the inhabitants of the parish where they take place, meetings that may often consist of large numbers, owing to the populousness of many parishes, particularly those in or near cities. All that is requisite in this case is, that the meeting be called by seven resident inhabitants, and six days notice of it given to a justice of the peace.

Lastly, to what penalty do persons render themselves liable by being present at an illegal meeting? None, if they separate, when called upon so to do by a magistrate. It is only in case of resistance, that the law displays its rigours.

Remark too, that the act, of which I have given you a summary, having in view only the prevention of seditious meetings, or at least of large assemblies in the open air, which might become dangerous in a moment of effervescence, no idea occurred of applying them to the innumerable societies, that are meeting daily in all parts of England, to consider matters of general utility.

What an afflicting contrast does our legislation here exhibit! In France, not only can no such society meet without the express permission of

government, that is to say, of the police; but the small number of those tolerated enjoy with fear and trembling a precarious existence, of which the slightest caprice may deprive them.

In a country, where every thing is treated publicly; where every thing is subjected to discussion, from the most important questions of legislation, to the slightest of local affairs; the talent of speaking must naturally be an object of universal ambition. At school, and even in their play, children exercise themselves in political eloquence. At Eton and Westminster, they frequently form a little house of commons, subjected to regulations similar to those of the parliament. When at the university, the young men unite in debating societies, where questions of history, philosophy, legislation, and political economy, are discussed in form. At these, are frequently developed the germes of the greatest talents: and an orator, whose eloquence will some day be the pride of England, may have felt the first spark of his genius elicited by the applauses of his fellow-students.

These debating societies are not confined to

the wealthy and enlightened classes: a taste for them is found in all ranks. At London, and in other large towns, there are public debating societies, where persons pay for admission. The question is posted up at the door; and for a shilling any casual passenger may enter, and take a part in the debates, from which the politics of the day are not excluded, and where the Holy Alliance itself has been more than once the subject of irreverent jests. I never had an opportunity of being present at one of these meetings, which I regret: but I am assured, that it is not uncommon to hear at them popular orators, endued with a flow of speech, energetic, if not correct, and capable of making an impression on their auditory.

The *debating societies* however are merely supplementary, and not essential parts of the system: but all the institutions, that constitute the basis of the social order, as juries, managing committees, municipal councils, parochial and county meetings, and elections, presume habits of speaking, and a knowledge of the forms of deliberation. We scarcely find a man, that has received any

education, who does know how to preside at a meeting, direct its debates, and put questions to the vote in due order. There are indispensable notions in respect to this, which are so familiar to the people of England, that no one would think of making them an object of study; while with us, they who have grown old in our deliberative assemblies still remain ignorant of them.

The contrasts of the English character show themselves no where so whimsically as at public meetings. I know a man, whose timidity in company is scarcely equalled by that of a girl of fifteen, who in a drawing room would not answer the simplest question without blushing and confusion, yet if invited to give his opinion at a public meeting would rise without hesitation, and speak for more than an hour in an easy and copious style before thousands of his fellow citizens.

Written speeches, prohibited in parliament by its rules, are equally so by custom in every other assembly. To speak in public, and to speak extempore, are synonimous terms; and the idea

of carrying ready drawn up in the pocket the expression of sentiments, that might arise from circumstances yet to come, or of an opinion, that ought to be formed from a discussion not yet begun, would appear the extreme of ridiculousness. No one supposes a person can find it difficult, to relate what he knows, or say what he thinks: whoever expresses himself with simplicity and modesty, obtains a favourable hearing, and the severity or the indulgence of the public is apportioned with remarkable justice to what it has a right to expect from the talents or condition of the individual.

Public dinners are one of the most common occasions of the exercise of oratory. The object of these dinners is to keep up the spirit of an association, or to encourage the study of some science, by bringing together persons, who otherwise would have no opportunity of freely communicating to each other their ideas; or to keep alive political opinions, by celebrating the anniversary of an important event, the birth of a great man, or the election of a member of the house of commons dear to his country. Nothing is more

original than these political dinners. Many times I have seen nearly three hundred persons seated at the same table, and electrified by the same sentiment, without the vivacity of their emotions preventing them from observing with the most methodical regularity all the usages established on such occasions.

A chairman is seated at the head of the table. No meeting takes place without this formality, which seems indispensable for securing order and regularity in every kind of discussion. The English of all classes have a remarkable tact in this respect; and if a speaker deviate ever so little from the established rules of decorum, a cry of *chair! chair!* resounds on all sides. This is a kind of appeal to the abstract idea of a president, informing him who executes the functions of one, that he is expected to maintain order, or restore the due state of the question. At the other end of the table sits the *deputy-chairman*, whose business is to preside, when the chairman himself is called upon to take a part in the debate; for there are two invariable axioms, one, that the meeting must never be without a head, the other,

that the person who is officiating as president cannot act as a party in the debate at the same time. When will these first rudiments of all deliberative assemblies become familiar to us? On the right hand and left of the chairman, places are reserved for those orators who will be invited to speak, or for those on whom it is wished to confer a mark of distinction.

At the dessert, when the cloth is removed, according to the custom yet pretty general in England, a master of the ceremonies, standing behind the president's chair with a glass in his hand, informs the company, that the toasts are going to commence. It is usual to begin with the king, then the duke of York and the army, then the duke of Clarence and the navy, either with plaudits or in silence, according to the occasion or sentiments of the meeting. Then come the toasts appropriate to the occasion of the meeting, as the health of the member whose election is celebrated. "Gentlemen, fill your glasses," cries the master of the ceremonies: after which he gives three times three huzzas. These are repeated in a low voice by all the

company; and it is only at the ninth that the enthusiasm, even if it be at its height, allows itself to break out in shouts and plaudits. He whose health has been drunk then rises, stands up on his chair, or on the table itself, amid the plates and glasses, and there, after having returned thanks to the assembly, with an expression of humility sometimes much greater than is necessary, gives an account of his conduct, retraces the history of his political life, or repeats in a gayer and more striking form the opinions he has delivered in parliament.

At meetings of this kind have been delivered some of the most memorable speeches of Brougham, Mackintosh, and Canning. The eloquence of a politician then becomes the property of those who hear him: they adopt it; they imbue themselves with his ideas; he is no longer an imaginary being to them; he is their comrade, their guest; they have heard the sound of his voice, and observed the expression of his countenance. Thenceforward the connexion between the member and his constituents assumes a new interest: the man ennobles by his courage or talents the people of his native town, or the corporation that has adopted him.

One orator succeeds another; fresh toasts are drunk with three times three; and speech follows speech, till late at night, without the crowd of guests appearing tired of them, even though they have gradually descended step by step to orators of very ordinary abilities; so many charms has a political life for the citizens of a free country.

The most solemn dinners are those of the lord mayor, given in the Guildhall at London. The historical events of which the place reminds us, the immense number of guests, the dresses of old times, the banners displayed, the music, the flourish of trumpets at every toast, all give these assemblies a character of grandeur and originality, to which nothing on the Continent affords any resemblance.

Perhaps I should now speak to you of the religious and philanthropic meetings, that act so great a part in the social organization of England: but every thing relating to the religious state of this country is of too high importance to be treated of incidentally, and I shall defer it to a future time, if you continue to feel interested in my correspondence.

LETTER XI.

County Meetings.

Of all the public assemblages of persons in England, perhaps none are so striking to a stranger as county meetings. These are usually held in the open air, in a market place, a court before a town-hall, or some frequented public walk; for the number of persons collected by interest or curiosity is too great, for any public room to contain them. And in fact, though the freeholders of the county are the only persons who have a right to vote at them, almost any one, that chooses to be present, is admitted without distinction. The business is not to decide as legislators or judges on positive rights or interests, but to consult, or to guide the opinions of the many.

I will give you the best idea of the effect th[illegible]

meetings must produce, by describing one at which I was present. Particular circumstances having rendered it sufficiently curious, you will find the account of it not uninteresting.

In the autumn of 1822, the fall in the price of corn, and the high rents of farms let on lease during the war, when the price of wheat was exorbitant, had plunged the agricultural class into a state of distress and alarm. This distress, which was greatly exaggerated, and was merely temporary, as events proved, was not indeed altogether unfounded at that period. Landholders, who had increased their expenditure in proportion to the rise of their rents, did not readily consent to relinquish any of the gratifications of their luxury: the farmers, who, seduced by the high price of produce, had taken leases, the conditions of which they were unable to fulfil, complained bitterly: the day labourers were without employment, or could not obtain adequate wages. Murmurs arose from all quarters; and nothing was heard but the voice of distress amid a country, in the most flourishing state that the imagination can conceive.

In our continental monarchies the people know scarcely any alternative but tame submission, or revolt. The greatest injustice is patiently borne by them, or they quarrel with government on account of those evils, which it is least in its power to prevent. It is not thus in England. When any class of the community suffers, it is from its own efforts in the first place, that it seeks the alleviation of the evil: speeches are made, writings published, and meetings held, till the required remedy is found, or the natural course of time brings things to their proper level; and, if we may be allowed a common comparison, *si* MAGNA *licet componere* PARVIS, the whole country exibits the image of an ant-hill. Does any accident disturb its economy? we instantly see the whole republic in motion, and it does not rest, till the common edifice is reconstructed.

At the time of which I am speaking, in almost all the counties of England meetings were held, to discuss the means of improving the condition of the agricultural class, the *landed interest*. Numerous petitions were addressed to the house of commons; and almost all concluded with calli

for a reform of parliament, a sort of panacea, which few think of when the country is in a prosperous state, but from which wondrous effects are expected, when it experiences any difficulties.

The meeting at which I was present was that of the county of Kent, one of the most important in the kingdom, from its extent, its wealth, and its population. The inhabitants of this county, proud of some ancient prerogatives, still emphatically style themselves *Men of Kent.** The meeting was held in the town of Maidstone, five and thirty miles from London. I set off in the morning with some great landholders of the county, whigs, whose friendship I had the honour of enjoying. We passed through a wonderful rich country; and on all parts of the road my companions were treated with that assiduous respect, which the English aristocracy obtains from all classes of

* The author is mistaken in this general application of the term. Few English readers are unaware, that the descendants of the ancient natives of the county, who greatly distinguished themselves by their opposition to William the Conqueror, style themselves *Men of Kent*, by way of distinction from the modern inhabitants, whom they call *Kentish men*. *Tr.*

people, if they who possess the advantages of rank and fortune be not wholly destitute of personal merit. On approaching Maidstone we met with a great number of land-holders and farmers, going to the meeting like ourselves, almost all of them on horseback; for, amid the pretended distress of the country, there was scarcely a farmer, who did not consider one or two saddle-horses among the necessaries of life.

We alighted at an inn, where we found some of the persons of greatest consequence in the vicinity already met in committee. A draft of a petition had been prepared the day before; in which the grievances of the agricultural class were enumerated, next a reduction of taxes was called for, as well as measures to raise the price of corn, and lastly a reform of parliament was demanded, as the only remedy of all the evils of the state. This project seemed calculated to satisfy the wishes of the most democratic. It was then discussed, slight amendments were made in it, and preparations to submit it to the general meeting, every thing inducing a presumption, that it would be adopted there without opposition.

The hour of meeting arrived, and we went down to the market-place. It was market-day: some thousands of people were already assembled: all the windows of the adjacent houses were filled with spectators: with the noise of the crowd were mingled the lowing of oxen, the bleating of sheep, and all the confused bustle of buying and selling. The impatient multitude thronged round some carts placed for the convenience of the speakers, and across one of which were the two deal boards, serving as the chair and desk of the sheriff, who presided at the meeting. Some got up on the wheels, others mounted on ladders, in the most awkward and dangerous positions, that they might be certain of not losing a word of what was said; so extremely sensible are the lower classes of people in England, of the pleasures of political eloquence.

But amid all this bustle, the carts, one excepted, remained empty. No person, even of those most greedy of the pleasures of the day, thought of scaling them; though there were no armed men present to guard them, no decree prohibiting access. "For whom are those places

reserved?" said I to the person next me. "For the *gentlemen*," answered he. Now who were these *gentlemen?* Were they privileged persons, who could claim this mark of honour? By no means. Had they any distinguishing sign, to make themselves known? None whatever. Public notoriety alone designated them: and amid a scene of the greatest confusion, a general sentiment of decorum taught every one, that the best places were due to the peers of the realm, the members of the house of commons, justices of the peace; in short, to all those who, from their station in society, are more especially called on, to know and discuss the interests of their country; lastly, to all, who, from their education and way of life are included in the generic term *gentlemen*. But scarcely had the *gentlemen* taken their places, scarcely had the sheriff declared the meeting opened, when the carts were instantly scaled, and thronged by the crowd, so that the orators themselves, to be in a situation to be heard, were obliged to support themselves on the shoulders and arms of their friends.

After the sheriff had announced the purpose

of the meeting, a member of parliament, the representative of the whigs of the county, made a speech, in which he explained the motives of the intended petition. The conduct of the ministry, and the increase of taxes, owing to ruinous and impolitic wars, were naturally the subjects of his discourse, more than once interrupted by a thunder of applause from ten thousand auditors.

The assembly appeared to be unanimous: however, sir Edward Knatchbull, the ministerial member, though almost alone, thought it incumbent on him, not to let the speech of his colleague pass unanswered; and, after some oratorical compliments, of which the English are as prodigal in popular meetings as they are sparing in courts of justice and debates in parliament, boldly undertook to defend the opinions of the ministry, who were there at least in a great minority. His speech was listened to without favour, but with impartiality; and the orator was respected for having acquitted himself of his task in a frank and *manly* manner, a term which, in the English

language and spirit, is one of the greatest testimonies of esteem.

The petition experienced no opposition, and the sheriff was about to put it to the vote, when a voice was heard from the midst of the cart most thronged by the mob, claiming the right of moving an amendment. Every eye was directed to that quarter; where a man with grey hairs, but stout made, and with a bold countenance, made way through his friends, and advanced to speak. This was the famous Cobbett. He was received with a general mumur of disapprobation. "No Cobbett! no Jacobins!" exclaimed more than one voice. However, a nobleman in opposition claimed leave for him to speak. "Is he a freeholder of the county?" was asked on all sides. "Yes, I am," answered Cobbett, with a firm voice. "Then you have a right to be heard," replied the sheriff; "and it is my duty to support you in it." The following is in few words the beginning of Cobbett's speech, as far as my recollection enables me to give it:—

"I see the meeting is not inclined to give me a

favourable reception. I will be brief; and my language shall be so clear, that the labourer, who stands there before me in his smock frock, shall lose none of my words, and will hand them down, I hope, to his children. On all sides I hear a call for parliamentary reform, as the only remedy of the ills you suffer. But who were the first to proclaim this truth? Who, but the radicals, that have been claiming for more than twenty years for the people of England those rights, of which an arrogant aristocracy has deprived them? And what has been our reward? We have been insulted, banished, imprisoned: the blood of the best citizens of England has been shed on the plains of Manchester. I myself have been obliged to flee my country, and seek refuge beyond the ocean. I return home, and what do I see? The great lords of this county come themselves to propose to you that reform which, but the other day they treated as chimerical and a crime. I will do you justice, gentlemen whigs; your ancestors deserved well of England at the time of the revolution: I will even allow, that you are less enemies to your country, than the courtiers

and usurers, who enrich themselves by lending at high interest money to supply foolish expenses and unjust wars. But what is this to me, if you continue to profit by the corruption, against which you seem to contend? What is it to me, if, while preaching up reform, you retain your rotten boroughs, under pretence, that it would not be wise to give them up while the tories hold theirs? This shameful traffic has continued too long. The time is come to speak to you in harsher language, and you shall hear it from my mouth. Submit, without longer delay, to the sacrifice of your boroughs; or prepare yourselves for the sacrifice of your mansions and your fortunes."

During this exordium, hawkers in different parts of the market displayed at a distance large papers, the true standards of radicalism, in which the different pamphlets of Cobbett were recommended to the notice of the populace. A low murmur apprised the orator, that his words had made some impression; and he availed himself ably of the disposition of the people's minds. He ran over the different abuses of the aristocratical

system, both in church and state: then, assuming a more temperate tone, he proposed, as an amendment to the address, a reduction of the public debt, founded on the justice of making the fundholders participate in that reduction of income, which all other classes had experienced, either by the fall in the price of corn, or by the resumption of cash payments.

Cobbett was succeeded by another orator of the same stamp, an auctioneer of Rochester, as I was informed, who, in language nervous, if not correct, and not unacquainted with the political history of his country, entered more at large into the amendment proposed by the leader of his party, and completed the conquest of the meeting.

The amendment of Cobbett was in fact nothing else than a proposal of bankruptcy, thinly disguised: but to demonstrate this in a satisfactory manner required entering into considerations of political economy, little adapted to the comprehension of a moveable and impatient audience. Besides, some of the whigs had wandered a little from sound principles, in a debate in parliament

on the same subject; and it became difficult perhaps for their friends, victoriously to combat the proposal of the radicals; so that their efforts to reject it were of no avail. The amendment was carried by a great majority: and, the more to confirm his triumph, Cobbett assumed the merit of allowing it to be put to the vote twice.

Here then we have a victory gained by the leader of the Jacobin party, by a man all whose writings have a subversive and revolutionary tendency! and this victory is gained not over a few obscure ministerialists but over the whigs, over the most considerable and most justly respected landholders of the county. He threatened them in the public market-place, in the midst of an assembled crowd, with the loss of their privileges and the spoliation of their property; and he gained a majority. Would you not suppose the country to be on the eve of a revolution? that the people were about to rise, the lower classes to rush on the superior ranks, and the whole edifice of English aristocracy to fall with a terrible crash? Let us imagine ourselves present at a similar scene in the vicinity of Paris, and

form to ourselves, if possible, an adequate idea of the terror of the government. How many agents of the police, how many *gendarmes*, how many troops would be in motion! A thousand times too happy, if some stupidly ferocious soldier, certain of impunity, did not fire upon the people, without any authority but his own fancy!

Nothing of the kind occurs in England, unless on the most serious occasions. No troops, no gendarmes, no other spies than a few short-hand writers, sending off in haste their despatches to the proprietors of newspapers, by whom they are employed. After a momentary agitation, order is restored; and the people, satisfied with having enjoyed their rights, retire more attached than ever to the institutions, by which these rights are secured.

This was what took place on the occasion of which I am speaking. After a few transient successes of Cobbett, Hunt, and their adherents, the good sense of the nation resumed its power, and the whigs had the majority at the county meetings. I myself saw the people assembled at Maidstone separate, ashamed at having been led

away by a man, neither whose character nor opinions inspired esteem. I returned to London with the same persons, whom I accompanied in the morning. They did not experience fewer testimonies of respect than before; nothing was changed; there was not the least apprehension of the stability of rank or property: and ten thousand men voting a national bankruptcy thirty miles from the capital did not even occasion the slightest variation in the price of stocks.

It would be wrong to conclude from this, that county meetings are empty ceremonies, a sort of *saturnalia* for the day, without any influence on the morrow. These meetings have a real influence on the opinions of the many: they enlighten and confirm them: they keep up among the people of England a sense of their rights and of their strength, without which all written securities are vain; and a statesman must be destitute of judgment and foresight, who does not lend an attentive ear to the wishes expressed in meetings of this kind.

Do you think, perhaps I shall be asked, that popular meetings could be introduced into France

without danger? and that, to be really useful, they do not require a counterpoise of equal weight with that of the English aristocracy? This question is too comprehensive, and would carry me too far: but this at least I believe, an order of things, that allows the people to give full scope to their intellectual energy, and expend in an animated or even turbulent debate that superfluity of life, which is found in nations as well as individuals, is preferable to that in which men's activity, repressed by despotism, or restrained by the pedantic sillinesses that are decorated with the name of regulations, has no alternative but to groan under the weight that presses it down, or open itself a path in blood by overturning all the barriers of society.

The longer a people has been bound up in the swaddling clothes of the police, the more precautions no doubt should be taken on the first exercise of liberty; but we are not thence to conclude, that it must be left to stagnate for ever in servile apathy.

LETTER XII.

Of the Functions of Parliament.

After having spoken in my last letters of some of the public assemblies in England, I am naturally led to speak of the parliament; and I am mistaken, if you have not already conceived a more accurate idea of it, than is generally entertained on the Continent, though nothing has yet been said on the subject. In fact, the parliament is nothing more than a public meeting, more solemn and more powerful than others, but allied to them in a thousand different ways, whether we consider its composition, its forms, or its functions.

In countries where a representative government is of recent importation; and where an imitation of the English constitution, more or less disfigured,

has been superinduced on a monarchical administration, there is an actual discord between the parliamentary debates and the general body of established forms. Amid a people destitute of rights and public morals, the legislative body appears like a sort of knight-errant, coming annually to break a lance with the minister. A few placemen may be unhorsed in the career; but, when the session is over, every thing resumes its ordinary course. It is but a momentary vexation; and the ministers think they do wonders, when, by depriving the chambers of the liberty of introducing any business, and refusing them the most indispensable information, under pretence of I know not what prerogative of the crown, or some other legal exception, they reduce the legislative body to a mere nullity.

The English ministers are not more enamoured of public liberty than ours, but they are less novices in constitutional matters: their notions are less confined, and, far from being punctilious respecting the extent of the functions of parliament, they desire no better, than to shift to it from their own shoulders a part of the business of

government, by way of diminishing their own responsibility. Accordingly we find the number of legislative acts increasing rapidly within these forty years: from 1781 to 1791 they averaged 171 in a session; from 1812 to 1822 the number was doubled, averaging 348: and since this they have gone on increasing.

In this number, it is true, are included all measures of local or individual concern, known by the name of *private bills;* such as roads to be made, canals to be formed, marshes to be drained, commons to be divided and enclosed, &c. I have often heard it said on the Continent, that affairs of this kind were more advantageously placed in the hands of government, than in those of a deliberative assembly, and I have sometimes allowed myself a little too lightly to think so: but reflection has led me to the contrary opinion, which will readily be embraced by all who have had the misfortune to pass through the interminable maze [*filière*] of ministerial offices and the council of state, either for a grant of mines, a stream of water, or any enterprise relative to agriculture, trade, or manufactures.

When a question of private concern is submitted to parliament, it arrives there previously sifted by discussion on the spot, either among the justices of peace assembled at the quarter sessions, or among the different persons interested in it at a meeting held for this special purpose. The committees of the house of commons, to which the question is referred, are never without one or more members, who are masters of all the local circumstances. If any difficulties arise, the committees have authority to send for witnesses and men of science from the extremities of the country, whose interrogatories, rendered public by the press, leave not the least shadow of doubt on any of the different points, which it may be necessary to elucidate.

Such a course is not only the most speedy, but affords most securities against abuses of all kinds. For, though such a great number of bills are adopted with a promptitude, that is astonishing to those who know nothing of parliament but from its public debates, and have not studied the mode of conducting business intrinsically by committees; it is because the houses of parliament

are certain, that these bills, before being finally submitted to them, have undergone a mature examination; and are too sparing of their time, to waste it in empty forms. But if any right be infringed, if any error or culpable connivance be suspected, the same bills would become the subject of a debate as long and as animated, as the most serious concerns of the state.

My object, however, is not to enter with you at large into the proceedings and powers of the house of commons: but I think it essential to remind you, that its functions, far from being confined within certain legislative limits invariably fixed, really extend to affairs of all kinds, to all concerns, where its interference may be of utility; from the questions of peace or war, to the maintenance of a road between neighbouring places; from the rights of the crown, and the management of the civil list, to the disbursements of a country parish. In fact, if some lawyers assert, that the house of commons represents exclusively, as its name indicates, the commons by whom it is elected; others, on the contrary, and they are persons whose opinions have most weight, main-

tain, that it is the virtual representative of the interests of the state at large, those of the crown, and those of the peerage, as well as those of the people. "The parliament moderateth the king's prerogative, and nothing grows to abuse, but this house has power to treat of it." Such was the constitutional doctrine, that was laid down as a principle so early as the reign of Henry III.; and has now taken root in the minds of all men.

The parliament is the grand council of the king and of the nation: it does not merely discuss legislative questions, but it manages the affairs of the country; and in this view is the supreme regulator of all other political bodies, of all the associations, that are occupied with the concerns of the whole or part of the community. Most of these associations have among them members of both houses, whence arise many natural and daily communications between the parliament and the different bodies of the state.

If the affairs of a county or a town be in question, the debates in parliament turn on the wishes publicly expressed in the county meetings or common halls: if the interests of trade or manu-

factures, the deliberations of the house of commons are intimately connected with those of the great mercantile or manufacturing bodies. On questions of philanthropy and humanity, the legislative decisions amalgamate themselves as it were with the labours of the various benevolent societies which, without any impulse but those of charity and religion, labour for the suppression of the horrible slave-trade, the abolition of slavery in the colonies, the reform of prisons and hospitals, or the improvement of schools. In a word, the parliament is only the *primus inter pares* among those innumerable deliberative bodies, which constitute the life and strength of the country.

This practical mode of viewing the action of the legislative power in England is important, and I recommend it to your attention, because you will find in it the best solution of the somewhat idle question of the omnipotence of parliament.

If you suppose on one hand a legislative body invested with all power, and on the other a nation destitute of rights, without securities, without the faculty of acting daily in the direction of its

own affairs, and attributing *a priori* a supreme and unrestricted power to the only political body, on the composition of which it can exert any influence, such a contrast undoubtedly appears shocking.

Immediately we figure to ourselves the electoral system perverted by force or intrigue, and the dearest interests of every citizen at the mercy of an enslaved majority. A natural mistrust then lays hold of every mind; attempts are made to bind the deputies by special mandates; certain rights are reserved, even though there are no means of defending them; barriers are fixed round the legislative body, which it is forbidden to pass, as if such a prohibition were not illusory, and the sovereignty did not in fact belong from necessity to the legislative majority, supported by the physical strength of government; immutability is claimed for certain constitutional articles, as if the perpetual duration of a human institution were compatable with the nature of man and of society. And why? because the nation feeling itself disarmed and powerless, has need to connect itself to something stable, and, for want of vital and positive securities, superstitiously trusts itself to

the dead letter of some declaration of principles void of all sanction.

Suppose on the contrary, a nation managing itself its affairs, always armed for the defence of its liberties, watching day and night over its own interests, speaking, acting, electing its magistrates, interfering a thousand ways in the administration of justice and government of the state, and ready to make any sacrifice in support of political privileges, which are become as it were a necessary element of the life of each citizen; the theme is completely changed. The legislative body is no longer a separate being distinct from the nation: on the contrary it is a natural emanation from a society, every member of which knows full well what are the rights, of which he will not divest himself at any price, and those which consequenly he ought to respect in his fellow-citizens. The omnipotence of parliament has then no longer any thing alarming.

The nation, while acknowledging, that the sovereignty must reside somewhere, and that it is more advantageously placed in the hands of parliament than any where else, is far from abdicating

on this account its inalienable prerogatives. If it place itself in a state of guardianship, it is like Henry IV. [of France] with the sword by its side; and does not renounce the fundamental right of resistance, which it is to be wished, as Mr. Fox beautifully expressed himself, the people should rarely remember, and kings never forget.

The sovereignty of the parliament, thus understood, is in fact nothing but the sovereignty of the people removed from the sphere of abstraction to that of reality: or rather it is the terrestrial image of that sovereignty of reason, to which men pay homage, when, by a wholesome consent, they give the force of law to the opinion of the majority, provided this opinion be legitimated by undergoing the test of a free and public discussion.

LETTER XIII.

Of the composition of the House of Commons.

So much has been written on the fantasticalness of the electoral system of England, that I shall not abuse your time by entering into many particulars respecting it. To attack it by general reasoning would be easy, in which we should have nothing to shun but common-place arguments. To undertake its defence, and endeavour to give ingenious theories the credit of results, which no theory could presuppose, and no theory can reproduce, is an enterprise, that may appear attractive to some minds, but is too closely allied to the love of paradox. I shall satisfy myself therefore with taking things as they are, and giving you some ideas respecting the composition of parliament, incomplete of course, but more conform-

able to actual practice than those usually current among us.

The English elections may be arranged in four classes.

1. Counties.

2. Large towns, where the people vote.

3. Small towns, where the right of election belongs to a corporation.

4. Close boroughs, a term more general than that of rotten boroughs. This is particularly applicable to places, where the electors have gradually disappeared, and the right of election has become private property.

These different kinds of elections have not only distinct characters, but each class, taken separately, offers more than one variety.

It is in the county elections, that all the lustre of the aristocracy, and all the political energy of the English people, are at once displayed. The wealth and importance of the candidates, the number and quality of the electors, the publicity of the poll, the active contest of parties, the solemnity of the triumph, all concur to give these elections a character eminently national. Accord-

ingly, the honour of being the representative of his county is the highest object of ambition to the great landholder: and though the county members have no prerogative in the House of Commons, though their votes go for no more than those of their colleagues, the nature of their election, and the large body of interests they represent, give them a natural and legitimate weight. This question or that may be decided contrary to their opinions: but an administration, that should be habitually at strife with the majority of the county members, could scarcely maintain itself in place, even with a tolerable numerical superiority of the other votes.

The enormous expenses of a county election restrain the number of those who aspire to it.*

* The most considerable expense is that of the conveyance of non-resident electors, whom the candidates are frequently obliged to bring from a considerable distance, and with much trouble, to the place of contest. Other expenses are the publication and distribution of hand-bills, advertisements in the newspapers, fees to counsellors and attorneys, illumination of Lustings, flags, cockades, music, feasts after the election, &c.; to say nothing of gratuities, to which, from motives of delicacy, I shall give no other name. (See on this point several articles

They are commonly the sons or relations of the wealthiest peers of the realm, or gentlemen of ancient families in the county, and identified as it were with its interests. The influence of these gentlemen rests, perhaps, on a more solid basis than that of the higher aristocracy. I have known some obtain the most signal victories over competitors, who were their superiors not only in rank, but in landed property in the county itself, yet did not stand so high in its confidence and estimation.

If elections be to serious men one of the first duties, and chief concerns of public life, to the frivolous they are sometimes a matter of fashion, like a box at the Opera, or a bet at Newmarket. But such pretensions are generally scouted by the good sense of the electors, and seldom end in any thing but silly expense.

In general the expenses of an election are less in proportion as the candidate is popular, and

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in the Edinburgh Review, particularly that of July, 1812; and the highly distinguished work of Cottu, on the administration of criminal justice in England.)

enjoys more personal esteem. In such cases many electors pay out of their own pockets their travelling and other expenses, which they would consider they had a right to have defrayed for them under other circumstances: and subscriptions are formed in aid of the pecuniary resources of the candidate, who is favoured by public opinion. Thus Wilberforce long represented the county of York; and thus in Westmorland, the hitherto absolute dynasty of Lowther, will soon or late be shaken by Brougham.

Contested elections are necessarily much more expensive than those, where the candidates have not to contend against an adversary: and the expenses run higher, in proportion as the competitor is more formidable. One of the last elections of lord Milton for Yorkshire, did not cost less than £120,000 sterling. Such a sum, no doubt, will astonish you: but you will not be less surprised at the manner in which it was paid.

Of all the great names among the aristocracy, not one, perhaps, shines with so pure a lustre as that of earl Fitzwilliam, the father of lord

Milton. Not a day of his long career has passed unmarked by some act of justice, patriotism, or bounty: not one in which he has not made the most generous and enlightened use of his vast fortune. The administration of lord Castlereagh never, perhaps, incurred more blame in England, than when, setting at defiance all moral decorum, he deprived earl Fitzwilliam of the lord-lieutenancy of Yorkshire. But let me return from this digression.

The election of lord Milton having terminated with glory, the expense remained to be paid. A bill of £120,000 sterling was no trifle, even to the greatest fortunes in England; but the difficulty was soon removed. While lord Fitzwilliam was considering the means of discharging the debt incurred by his son, his tenants, full of affection for their old master, as well as attachment to public liberty, of which his family is one of the hereditary supports, met of their own accord, and agreed unanimously to pay all the expenses of the election. A subscription was immediately opened, and the produce of it exceeding the enormous debt they had taken on themselves,

they employed the surplus in the erection of a monument in Wentworth park, to commemorate the elective victory in which they had concurred. In return for this patriotic generosity, they desired nothing, but that their rents should not be raised during a certain number of years. This condition, however, was superfluous with such a man as earl Fitzwilliam; for I am assured, that he voluntarily reduced the rents of all his farms one-third, the fall of grain having rendered them, perhaps, too high. At the same time, to compensate the loss of income he had imposed on himself by this act of generosity, he constructed a new canal, which is a benefit to the country, while it is a source of wealth to himself.

After such instances, that the preponderance of the English aristocracy may be attacked is possible, I will even say it is right; but, at least, let us not insult it by giving the same name to the pretensions of petty squires, or the vanity of courtiers.

Of the forty counties of England, each of which sends two *knights of the shire* to the house of commons, there are at present nine, the representa-

tives of which are ministerialists, five where they are in opposition, and twenty-six in which the influence of the opposite parties is so balanced, that the representation is divided between the whigs and tories. Thus of the eighty county members, thirty-six vote with the opposition, and forty-four with the ministry. This proportion, as you perceive, is much more to the advantage of opposition, than that of the whole number of elections. Must we attribute this to the whigs having a marked superiority of fortune, influence, and talents, in the higher aristocracy? or must we suppose, that the county elections faithfully exhibit the opinions of the many? This I dare not venture to decide.

The twelve counties of Wales have each one representative, nine of whom vote with the ministers, and three with the opposition.

I say nothing of the Scotch elections, which are illusory; or of those of unhappy Ireland, which can scarcely be included within the pale of the English constitution..

The county elections, as we have just seen, pertain both to the agricultural interest, and to

the influence of the higher aristocracy. The republican character, on the contrary, predominates in the elections in large towns; and this on two accounts: first, because there is a natural alliance between democratic opinions and the interests of trade and industry; next, because the population in general participates in elections of this kind. In fact, in many of these the electoral franchise is not confined to freeholders, but extends to every individual paying scot and lot, we may even say, to all who do not derive succour from the parish. In short, it is the people at large exercising its rights as in Rome or Athens; and by a contrast which we cannot sufficiently remark, the same country and the same period exhibit the unique combination of the democracy of the ancient republics, the feudality of the middle ages, and the philosophical light of modern civilization.

It is in the public market-place, it is amid the hootings of the mob, that the candidates appear to gain the voters by the frank profession of their political sentiments, captivate them by the charms of eloquence, or hurry them away by the spirit

of their popular sallies. No one thinks it derogatory, to conform to this custom. I shall not speak to you of Fox, *the man of the people*, making the voice of liberty resound in the ears of the mob assembled at Westminster; but Burke himself, Burke, the champion of aristocracy, delivered few speeches more memorable than that he addressed to the people of Bristol assembled at his election.

Sir Samuel Romilly is, I believe, the only example of a candidate, who, at an election for Westminster, was excused from mounting the hustings, haranguing the people, and undergoing the honour of being chaired, which succeeds the election. This exception was doubly honourable; honourable to Sir Samuel, and honourable to the electors, who had the sense, not to ascribe his refusal to frigid pride, and on the contrary to discern in the calm reserve of that great citizen a truer and more energetic sentiment of the dignity of the people, than in the eagerness with which another might have come daily to solicit votes and gain the plaudits of the mob.

It has often been remarked, how strange it is, that in a country like England, some of the principal manufacturing towns are not represented in parliament; and that, while sorry boroughs with a few hundreds of inhabitants send two members to the house of commons, places of such importance as Manchester, Birmingham, Leeds, and Sheffield, have not a right to elect one. In fact this is an absurd anomaly, that cannot long hold out against the unanimous reclamations of men of sense. Such however in England itself is the superiority of its agricultural wealth over that of its trade and manufactures, that in 1814, under the system of the income-tax, the revenue from the profits of manufactures and commerce amounted only to £2,800,000 sterling, while that from the rent of land produced more than £7,700,000.

It is consonant with equity therefore, that the agricultural interest should have the same preponderance in the representation, as in the nation itself: and though the race of country gentlemen in England is not more friendly to the improvement of institutions and the progress of knowledge

than elsewhere, we cannot deny, that it has some right to form the basis of the house of commons. Of this class, as the representative of the *status quo*, the partisans of innovation ought to endeavour to make proselytes; and any measure, that should pass without having been comprehended and adopted by the bulk of the landed proprietors, would want the true conditions of strength and stability.

LETTER XIV.

Continuation of the same Subject.

My last letter treated of the public and popular elections of counties and large towns. It remains for me now to speak of the last two classes of elections I mentioned before, those of towns under the influence of a body corporate, and of close boroughs at the disposal of a family or an individual.

This distinction, though founded to speak generally, is not rigorously accurate. Nothing in England is reducible to a strictly systematic classification. I was complaining one day to a wit of the numberless irregularities in the English language.—"You are mistaken," said he pleasantly; "our tongue is very regular; but there is a particular rule for each word."—What is true

of the language, is not less so of the different facts of the social and political order. Though they are connected together by certain common characters, there are scarcely any but must be studied separately.

Thus many a town may be quoted, where the election interest is divided between a man of wealth and a little borough aristocracy, which sells him its votes by a sort of tacit and permanent agreement. In this number are most of the forty-four boroughs of Cornwall, which have long been objects of censure to lawyers and of pleasantry to men of wit, and have excited the complaints of the people of the county itself, one of the proudest and most independent in England.

Another town, which contains several hundred voters, and where the right of voting belongs indiscriminately to all who pay scot and lot, is equally a close borough, because particular circumstances render it absolutely dependant on some great proprietor. Another, on the contrary, where the right of election is confined to a small body corporate, acknowledges no influence but

that of money, and the representation is accessible to any one who will pay its price.

It is incontestably in the elections of little towns, that corruption is most frequent, I would almost say the most frank. One of the friends of Sheridan was desirous he should be a candidate for the city of Hereford, if I remember right. He went from house to house to engage the promise of votes, and took all the preparatory steps of the canvass. After boasting of the talents of his illustrious friend, his political principles, and above all his attachment to parliamentary reform: "Ay, sir," said one of the electors interrupting him, "Mr. Sheridan is a fine man. Yes, certainly, the parliament stands in need of reform; nobody knows it better than we do. Of late, would you believe it? the gentlemen of the house of commons are grown so stingy, that we poor burgesses will soon be unable to live, and an honest elector will be obliged to give his vote for a morsel of bread."

But how is it, you will perhaps ask, that such an open system of corruption can maintain its ground, in spite of the laws made to suppress it,

where publicity bears sway, and in the face of public opinion, on other points so strict? To this I have nothing to answer, but that it is one incongruity among a thousand; and that, even among a people farthest advanced in the career of liberty, the progress of morality is much slower in the political system, than in the affairs of private life.

A determined advocate of things as they are would perhaps add, it is of little importance that elections are venal, so long as no person complains, and the choice falls on men worthy of a seat in parliament: that besides, whenever a complaint is made, and the corruption proved, the house expels the member complained of, and the guilty borough is punished by being deprived of its franchise.

We have seen in fact two recent instances of this merited chastisement. But such a process, conducted before judges, many of whom have titles not more legitimate than those of the party accused, remains not the less very strange.

Boroughs governed by the influence of an in-

dividual, or of a body of men, may be classed under three heads.

1. Those that are to be sold to the best bidder.

2. Those that are saleable, but only to candidates of the same political party as the seller.

3. Those which men of large possessions bestow gratuitously on their relations, their friends, or men of talents, who may give a lustre to their cause.

You will, perhaps, be well pleased on this occasion, to penetrate a little with me into the secrets of ministerial tactics.

Among the proprietors of boroughs there are several, who, being connected with government by interest or opinion, come and offer it the votes it possesses, either gratuitously, or in exchange for a certain number of places to be given to the persons they shall recommend, or for a sum of money inferior to what they would have a right to demand from any other purchaser. You will easily suppose, that ministers eagerly embrace and solicit such proposals. This done, they begin by securing a gratuitous return to the house of

commons for themselves, and the actors that are to figure in their political drama: then they sell at a profit to the rich of their party the remainder of the boroughs they have engrossed, and purchase others with the profits accruing from these.

George III. I am assured, never failed to contribute from his privy purse some thousands sterling, to support this little electioneering trade. He only abstained from it in 1806, under the ministry of Mr. Fox; considering this, no doubt, a good opportunity to make a saving, and deeming it quite sufficient to resign himself into the hands of ministers who were friends to liberty, without endeavouring to increase their influence.

I anticipate from you a very natural objection. You speak, you will say, of proprietors of boroughs, of men who sell, who buy, and who give away seats in parliament. But however illusory such elections may be, the voters are still human beings, endowed with understanding and free will. Does it never occur, that they have an opinion, a will of their own, and reject the candidates attempted to be imposed on them?

In fact it does sometimes happen, though rarely. It is the same with electioneering influence as with the aristocratic influence in general: long custom has rendered it sacred, and the English voluntarily submit to it; but it is solely on condition, that no infringement of certain rights or certain sentiments of moral decorum takes place. If the line of what appears to them legitimate be over-stepped, all their haughtiness, and all their native independence, reappear.

I could mention to you a borough, situate in the very park of a great lord, all the houses of which belong to him, and all the voters of which, though almost absolutely dependant on him, nevertheless shook off the yoke of his influence, because they disapproved his principles and conduct. These same voters were brought under allegiance to his successor by their natural inclination for his talents and virtues. Other great lords, on the contrary, will not transmit to their heirs the immense patronage, which is at present submissive to all their political desires.

You perceive, then, it would be erroneous to pass too absolute a judgment on the question of

close boroughs. This question besides is subject, like all others, to the empire of public opinion. One borough would obtain general approbation by an endeavour to shake off the yoke: another, on the contrary, would incur blame, and its attempts would be considered as a species of rebellion. The following exemplifies this.

The city of Peterborough is one of those, where the right of voting belongs to all the inhabitants paying scot and lot. It has six or seven hundred electors, consequently more than many departments in France: yet it is reckoned among the boroughs of earl Fitzwilliam, either because it is situate amid his domains, and most of the houses belong to him; or because a long series of acts of benevolence and generosity have attached it to the Wentworth family. At the last election Mr. Scarlett was the candidate presented by lord Fitzwilliam to the electors of Peterborough. Such a choice, the glory of the English bar, might be supposed to have met unanimous acceptance: however, contrary to all expectation, an opposition was declared. Some persons undertook to bring forward as a competitor to Mr.

Scarlett an obscure individual, whose talents and character were a thousand degrees below comparison with his. Against such an adversary victory was not difficult: nevertheless, a sort of contest took place, and Mr. Scarlett deemed it necessary to harangue the people from the hustings.

The election ended, and the effervescence subsided; the inhabitants of Peterborough, particularly those who had stood most prominent in opposition, were not without uneasiness. What would earl Fitzwilliam do? Would he raise their rents? Would he deprive the city of this or that gratuitous concession? In short, what vengeance would he take on this insurrection? A sentiment of vengeance could not enter a mind so noble as that of earl Fitzwilliam. However, the maintenance of his influence in elections appeared to him of too great importance, for him to dispense with testifying his dissatisfaction. Accordingly he increased, by a few pence, the tolls of a canal near the city, which he had the generosity to keep before at a rate much lower than that of other canals; and this trifling increase of rates,

which would never perhaps have taken place but for the circumstance of his election, added to his income more than eight thousand a year. Scarcely was the resolution of lord Fitzwilliam known, when the city sent a deputation to him, to intreat him to revoke it: but he would not consent. "Gentlemen," said he to the deputies, "in your attempt to reject the illustrious candidate I sent to you, you exercised an incontestable right, which I am the first to acknowledge. In raising the tolls of my canal, I, in my turn, avail myself of a legitimate power. As long as we are on a footing of mutual good will, I shall endeavour not to be in your debt with respect to kind offices: but if you intrench yourselves on the strict ground of right, do not be surprised at my following your example!"

That the aristocratic preponderance in English elections is exorbitant, I believe admits of no dispute. It is certain, that even in the present day the house of commons is named by an electoral body, scarcely exceeding eight thousand persons, most of whom are little less than absolutely dependant on about a hundred and fifty families,

either of the ministerial or opposition party. But it is not less certain, that the whole number of active citizens is more considerable in England, than in any other country in Europe; that all classes of the people participate in the movement, interest, animation, to which the free exercise of civic rights gives birth; and that at the solemn period of elections, every mind is agitated, every heart beats for the triumph of its cause. How is this apparent contradiction to be explained, unless by two fundamental reasons, the publicity of votes, and the diversity of modes of election?

This diversity, far from appearing an inconvenience in my eyes, is, on the contrary, I conceive, the true remedy of the defects, with which the election system in England may be reproached. I see in it not only a faithful image of all the contrasts of the social order, of which I have so frequently spoken, but find a firm assurance, that no man, truly worthy of a seat in the house, will ever be excluded from it. This is a truth too little known to those, who have not well studied the facts. They see capriciousness, injustice, corruption, in the election system now in vigour:

they hear it said, that a reform is demanded, and naturally enough imagine, that a number of men, whom the wishes of their fellow-citizens call to parliament, are excluded from it by the faults of the system. No such thing. It may not only be said, that the house of commons represents, in a tolerably equitable manner, the opinions of the various parties; but I do not hesitate to affirm, that every English citizen, whose talents and knowledge deserve a place in parliament, is certain of obtaining it, if it be his desire, and of preserving it, as long as he continues to render himself worthy of the public esteem.

The interests of agriculture, as well as those of commerce and manufactures, old habits, as well as new ideas, are sure of finding organs there. The defender of aristocratic traditions, the ardent friend of liberal innovations, the man of confined ideas, whose activity is concentrated on a single object, the philosophical politician, whose impartial eye embraces at once all the interests of the community, all have their place marked beforehand in the house to be elected.

America itself, the wise and free America, has

not the same securities in this respect as England. In fact, the necessary consequence of a uniform system of elections, even when founded on the most rational bases, is to give the majority, not merely its due preponderance, but absolute power. And it is easy to conceive, how a momentary aberration of popular opinion is as capable as a Machiavelian contrivance in the measures of government, to exclude from the national representation those men, the highest of all in intellectual rank, to whom the search of a truth is as much a natural want as a duty, and whose minds are as superior to popular passions as to the seductions of authority. Now men of this description, such as are commencing their career, as well as those whose names are already illustrious, find in the great diversity of elections, and in the influence of an enlightened aristocracy, a certainty of being elected.

It was through this influence, that most of the great men of England first gained entrance into parliament. Powerful friends, early discerning talents yet unknown to the public, opened for them a career, which perhaps would long have

remained closed to them, had they been obliged to wait till their reputation had required the suffrages of their fellow-citizens. It is through the same influence, that in the present day the first orators of the opposition—Mackintosh, Brougham, Scarlett, Abercromby, &c. are seated in the house of commons; and we may even maintain, without falling into paradox, that, with regard to the general weal of England, it is better they should thus obtain seats, than by means of a county election or that of a large town. It is by meditation, or by eloquence, that men of superior talents are called to serve their country; and daily intercourse with too large a number of constituents would consume much valuable time, which interests of a higher order claim. These affairs of detail are more advantageously placed in the hands of great landholders, who, in the management of their private fortunes, are brought into habitual intercourse with a number of citizens, with whose interests, wishes, and habits, they thus become acquainted.

Let us not forget, here, an essential remark: it is, that the best champions of the people's cause,

the true interpreters of their sentiments, are not members taken from among themselves, but men who, independent both by their fortunes and their station in society, feel themselves animated with a generous ardour to defend the rights of the weak, and a lively sympathy for the sufferings of the poor. Sir Francis Burdett, Mr. Bennet, men sprung from the first families in England, are those who raise their voices most loudly in defence of the labouring classes; who, in the midst of the house of commons, protect poor journeymen against the severity of an absolute master, and spread even over poor chimney-sweepers the omnipotent ægis of parliament. Would a member taken from the lower ranks of society have equal weight, even though sent to the house by the freest election? Assuredly not.

In this respect, Sweden furnishes a curious example. The peasants, as is well known, there form a separate order in the national representation, and their deputies to the diet must be chosen from among themselves. What is the consequence? Being destitute of experience in business, and the talent of public speaking, their

delegates feel themselves in some measure obliged to vote in concert with the nobles, and allow themselves to be guided by their influence; while wealthy and enlightened deputies would secure to the deliberations of their order the actual independence which they want.

What is of importance to the people is, not the being represented in this or that numerical proportion, or by men more or less approximating the class by which they are elected, but that its voice should be heard: it is especially, that some democratic elections, by uniting large bodies of people at a single point, should make them sensible of their strength, and remind their governors that they are not to be braved by them with impunity. As to the greater or smaller number of meetings of this kind, the question is of secondary consideration. The salutary movement of a Westminster election is not confined to the precincts of the metropolis; all the people of Great Britain feel its vibration.

Do not, on this account, impute to me, I request, the intention of defending the principle of the preponderance of the aristocratic element in the

English elections: nothing is farther from my thoughts. But, taking things as they are, it is just to exhibit the advantages as well as the inconveniences; and it is prudent to be on our guard against the general positions, in some measure trite, that abound on the other side of the question.

You will probably be rather curious to know in what proportion the opposite opinions are represented in such an irregular system of elections. The following is a picture of it, according to the present composition of the house of commons. You will bear in mind, however, that a calculation of this kind, even though its data are just, is not susceptible of mathematical precision; and also that it is antecedent to the late changes in the ministry.

At present, in fact, any classification of the house of commons would be in some measure impossible. Several shades are confounded together; several party distinctions are effaced; and a circumstance, which is very honourable to the character of the whigs, is the readiness with which they have supported the administration by their

votes, as soon as they found it disposed to adopt, in economical questions particularly, a course more conformable to the interests of their country, as well as to the general principles of reason.

Of the six hundred and fifty-eight members that compose the house of commons, about two hundred vote habitually with the opposition: the rest follow the ministers, including fifteen or twenty neutrals, who vote sometimes on one side, sometimes on the other, according to their conviction, but who most commonly support the measures of administration.

Now if we analyse the different kinds of election, we shall see, that, of the ninety-two county members of England and Wales, fifty-eight belong to the ministerial party, and forty-two to the opposition.*

The cities and towns send four hundred and twenty-one members, of whom a hundred and twenty-one vote with the opposition.

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* This is evidently a mistake. The numbers that agree most nearly with the table following are fifty-three and thirty-nine. *Tr.*

The Scotch elections give the ministry thirty-five votes, and the opposition only ten.

Lastly, of the hundred Irish members, no less than seventy-nine are under ministerial influence.

On reducing these different fractions to one denominator, we find the following proportions:

Elections.	*Opposition.*	*Ministry.*
County, in England alone -	45 hundredths.	55 hundredths.
Do. in England and Wales -	42	58
Cities and Towns in Do. -	31	69
Scotch - - - - - - - -	22	78
Irish - - - - - - - -	21	79

In this scale of proportions you will remark, no doubt, that the ratio the opposition party bears to that of the ministers diminishes rapidly, in proportion as the elections become more illusory.

Two calculations, made by lord John Russel and viscount Milton, show, that, if the towns be classed according to their population, the number of ministerial members is in the inverse ratio of that of the electors; so that in boroughs, with fewer than five hundred inhabitants, the propor-

tion of the ministerial members to the opposition is as nineteen to one; while in towns, with more than five thousand, it is only three to five.

These calculations approach the truth: but I believe we should be wrong in concluding, that a great increase of the whig party in the house of commons would immediately result from a reform of parliament. This reform, no doubt, would become favourable to the cause of liberty; but it would operate rather by modifying the connection of the members with the nation, than by altering the composition of the house itself. This very simple idea I recommend to your sagacity, because it appears to me to include the true gist of the question.

LETTER XV.

Of Parliamentary Reform.

It is a fact worthy of observation, that almost all the great statesmen of England have been more or less partisans of a reform of parliament. Windham is, I believe, the only one, who has declared for the pure and simple maintenance of the existing institutions, or rather customs, and boldly defended the possession of close boroughs as a right of property. Burke has varied in the sentiments he has professed on this point. However, without recurring to the time of the republic, we find lord Clarendon, lord Chatham, Pitt, Fox, &c., calling for a change of the system of election at different periods, and in different degrees. And since, after its revival at the restoration, this system has remained unshaken by such weighty authorities

and great talents, it is to be presumed, its roots have penetrated much deeper, than is commonly supposed.

Accordingly we find the question of parliamentary reform agitated with much noise, whenever any extraordinary circumstance causes the people to experience a general or partial inconvenience, and sink into oblivion as soon as prosperity is restored. And among those whom it habitually occupies, there is scarcely any medium between the utopian schemes of demagogues, and modifications so timid as scarcely to merit the name of reform: a certain proof, that men's ideas and wishes have nothing yet well settled in this respect.

You have often heard speak of radicals, of their influence on the minds of the populace, and of the efforts of government to suppress them; and you may have fancied alternately the monarchy endangered by their success, or liberty threatened by the measures taken on their account.

This requires explanation. A radical reform of parliament has advocates of two very different kinds. One of these consists of subaltern orators,

who may acquire some importance by rousing the passions in times of trouble or discontent; but whose ambition, in a period of domestic tranquillity, is confined to hawking about some republican common-places, from one popular meeting to another; and to gathering applause by a coarse but sometimes vivid and faithful delineation of the abuses of government. I have given you a specimen in Cobbett, whose talents as a writer leave him without an equal. Hunt and his acolytes, those who act with sincerity as well as those who may be suspected of having a secret understanding with administration, do not deserve our stopping to discuss their opinions.

Non raggionam di lor, ma guarda e passa.

But there is another class of radical reformers of a very different reach of mind, of quite another degree of importance, and whose influence I have no hesitation in believing to be progressive. I speak here of the new political school of Bentham, a school that includes well-informed politicians, accurate financiers, economists of the first order, and which proceeding on principles clearly defined, possesses the advantage over its antagonists, that

a complete theory, even when erroneous, has over an exposition of solitary facts connected by no system.

The reputation of Bentham as a lawyer does not belong exclusively to England: the Continent may claim its share; for such a translator as Dumont is in some measure a second inventor. But what is not generally known is, that Bentham, after having applied in his youth the prodigious analytical powers of his mind to demonstrations of jurisprudence, increasing in republican ardour at a time of life, when the ideas of order naturally predominate over sentiments of liberty, has become in his old age the head, we may almost say the idol, of a political sect. The fundamental dogma of this sect is self-interest, sometimes disguised under the name of the *principle of utility;* and aims at nothing less than a uniform remoulding of the political system, as well as of civil and criminal law, throughout the whole world.

In a correspondence like ours I cannot think of dicussing philosophically the moral principles, on which the disciples of Bentham rest their theory. Even were my powers equal to the task, this is

not the place to attempt it: but I think I may run over with you in a few words the series of deductions, by which they arrive at a reform of the election system in England.

The first principle, say they, on which all society rests, is, that the actions of men are conformable to their interests. The satisfaction of these interests is the motive, that sets them to work.

That society then is the happiest, where every man enjoys the greatest possible portion of the produce of his labour. But as every man, if left to himself, pursues his own interests at the expense of those of his fellows, till he is stopped by an opposite interest, it is necessary to organize a power capable of preventing the interests of individuals from trenching on the general interests, or, in other words, of securing the greatest happiness to the largest number.

Such is the object of governments. The only perfect government, if it were practicable, would be a pure democracy, because in this case, the whole society would watch over the protection of its own interests. But as in a community, every

member of which would be constantly occupied with the care of the interests of all, no one could work, or enjoy the fruit of his labour, pure democracy would be inconsistent with the very end, for which men unite in society.

Hence the community is under the necessity of delegating its powers.

But, as soon as any powers whatever are delegated to a given portion of the community, this portion immediately feels desires and interests contrary to those of the rest of the citizens, who must consequently place themselves in a state to resist them.

Here an unanswerable objection presents itself. If it be necessary, for the happiness of society, that it should assume a state of permanent resistance to the minority invested with the power of governing it; this resistance of all against some will be so much the easier, and the condition of the society so much the better, in proportion as the governing minority is less numerous. An oligarchy then is better than an aristocracy; and an absolute monarchy is still preferable, because in this case, the interests will have to contend

only against those of an individual. This fine conclusion, at which Hobbes had already arrived, cannot fail of seeming strange to politicians, who profess, not without cause, an ardent love for liberty; accordingly they do not rest there, while admitting that it is a legitimate deduction from their premises.

After having shown by arguments easily to be imagined, how pure democracy, aristocracy, and monarchy, are equally impossible to be realised; they inquire, whether a combination of these three forms of government be practicable, and still decide in the negative: for, if their powers be equal, they will be in a state of warfare; if unequal, the weaker will soon be annihilated by the stronger, according to the consolatory axiom, that every man, when not restrained by superior force, will pursue indefinitely the accomplishment of his desires, to the detriment of all his fellows.

The balance of powers then is merely a chimerical idea; and it is not true, that, as has been asserted, the English constitution is a happy mixture of the three forms of government.

But if it be impossible to place the powers in a state of equilibrium, the community can at least restrain them within certain limits; and it is the representative government, that furnishes a solution of the problem.

The elective assembly however, from its forming a distinct body in the nation alone, will acquire *ipso facto* desires and interests different from those of the generality of citizens. This is a great evil no doubt; but, being charged with resisting other powerful minorities, it must be invested with powers sufficient to render this resistance efficacious.

As the intensity of the powers of the representative body cannot be diminished, their duration at least should be shortened, and it should be frequently purified at the fountain-head of a democratic election, in order to maintain as much uniformity as possible between the interests of the deputies and those of their constituents.

Parliaments then should be annual.

But here we have a new difficulty. If the same persons be habitually re-chosen, they will soon form an aristocracy in fact, the interests

of which will be in opposition to those of the community. If, on the contrary, the choice be restricted to fresh members, as the constitution of 1791 decreed with us, these men will be without any experience in affairs, and the resisting body will thus find itself deprived of the necessary strength.

In this dilemma, practical good sense, of which no theory can wholly divest English citizens, turns the balance, and the decision is made in favour of re-eligibility.

But by whom shall the members of the resisting body be chosen? As this body ought as far as possible to have the same interests as the community, it is evident, that it should not be elected by a minority, since every minority has interests different from those of the whole of the citizens. They must be chosen therefore either by the community itself, or by electors who have the same interests as the community; that is to say, at all events by a majority of the citizens.

Here, after having so frequently maintained, that the minority always seeks to oppress the majority, it is not attempted positively to deny,

that the majority may also endeavour to oppress the less numerous party. This objection is parried in the following manner.

Supposing the majority to constitute alone the governing body, and to be very superior in number to the minority, we find by a calculation reduced to its simplest elements, that the interest this majority may have in the establishment of an oppressive system would represent with respect to each of its members something less than the advantage of oppressing a single individual. If the majority were double the number of the minority, the same interest would represent for each acting citizen only half the pleasure of oppressing one of his fellows: and in this case, the benefits of a good government, the enjoyment of which is common to all, would exceed for the members of the majority the advantages of the abuses, which they could exclusively enjoy.

This is the argument in all its simplicity. That I might not misrepresent it, I have employed almost literally the words of the official organs of the new sect; but you will not require me to refute it.

In reasoning according to the system of the sovereignty of the people, the empire of the majority is only the expression of an indisputable fact, that of the force of numbers; and as this system acknowledges in every citizen imprescriptable rights, inherent in the very nature of man, the remedy against the attempts, that the majority might make on these rights, is found in the power left to the minority of separating itself, and forming a new community.

When we trace the sovereignty to its true origin, when we derive it from the eternal source of reason and justice, the submission of all to the laws voted by the majority is a homage paid to the principle of the sovereignty itself: it presupposes a free discussion, in which sound arguments have prevailed over unsound.

But in an absolute system of political materialism, where it is laid down as a principle, that every man will always do to his fellows all the evil, that he is not prevented from doing; where the corruption of human nature, instead of being a motive of confusion, and of humility before God, becomes the very basis, on which the edifice

of society is attempted to be erected; in a system, in short, of which self-interest is the fundamental dogma; on what grounds can any minority be required, to submit to the will of the greater number? To what law shall we appeal to compel them? Is it to the law of nature? This is denied. Is it to the moral law? The foundations of this are sapped. Is it to the law of religion? This is put out of court by a silence more polite than respectful.

We will not enter into this discussion, however, but return to the composition of the electing body.

Here the school is divided. The boldest and most consistent claim universal suffrage, without excepting even women. Others, more timid, or more friendly to practical ideas, lay some restrictions on this principle. They begin by excluding women, and men under twenty-one years of age, gratuitously assuming, that their interests cannot differ from those of their husbands and parents. Some would even have no objection, to restrain the right of voting to men of forty, taking it for granted, still more gratuitously, that these men,

having both parents and children, would pass no laws, but such as were beneficial to the whole community, above as well as below their own age. Others again, and among these is the leader of the sect himself, admit no citizens to the exercise of political rights, except such as can read and write: but the arguments on which they found their opinion, and to which I should willingly accede, are not less inconsistent with their fundamental principles. With regard to pecuniary conditions, these they pretty generally agree to reject; on the grounds, that rating the qualification high would establish an aristocracy, and rating it very low would afford no more security than leaving it out of the question.

Such are the outlines of the system. You will perceive better than myself, how easy it would be, to combat it by attacking, as we ought, the moral principle on which it rests. But the task becomes more difficult, if we admit the premises, and dispute only the conclusions from them. Hence the advantage, that writers of the school of Bentham often have over those English politicians who, admitting the principle of utility,

defend the constitution of their country as conducive to the interests of the people.

We agree, say they, that the benefit of the majority is the end of every political system: but we maintain, that the present state of things is more advantageous to them, than that which would result from universal suffrage. You are inconsistent, answer the disciples of Bentham: for, if it be true, that the institutions you defend are more useful to the majority, the majority would not fail, to will their continuance: what, then, have you to fear from a democratic election? If you refuse this test, may we not justly conclude, either that you deceive yourselves, or that you are not sincere? This reasoning is certainly not without weight: but why? Because the opponents of the doctrine of Bentham do not go so far back as they ought, to combat it: and that, according to the eternal laws of the human mind, a system, even though erroneous, when it forms a collective whole, must be victorious over the absence of system.

The example of the United States is the habitual answer of Bentham and his disciples to

those, who, from whatever motive, reject their innovations as dangerous or impracticable. But have they any right to rely on this example? This I am the less disposed to admit, the more I respect and admire the United States.

Free, powerful, and happy, America concerns itself little about political theories. Democracy is its natural element: it enjoys liberty undisputed, as the air it breathes, as the vast territory that offers an unbounded career to the courageous activity of its children. But we must not forget, that, prepared for freedom by the manners and laws of England, when it broke the thread that united it to the metropolis, it had not to remould its social organization according to this or that philosophical principle. When it claimed independance, when it acquired it by a struggle unparalleled in the annals of the world, the dry dogma of utility was not its standard; a dogma, that will never, I fear, make men heroes. It was in the name of the rights of man it fought: it was the principle of the sovereignty of the people, that presided over its federal organization: in short, its political doctrines are the same, as were

subsequently adopted by the constitutional assembly. And, though I think them vulnerable in more points than one, God forbid that I should confound them with the political Epicureanism, of which I have exhibited to you a few features.

The school of Bentham, therefore, has no right to quote the authority of the United States in support of its system: but in as much as it recommends the example of America to the attention of legislators and statesmen, and combats the lamentable prejudices on this point, that are still so common in England, it confers a real benefit, to which all impartial men ought to pay homage.

LETTER XVI.

Parliamentary Reform.—The subject continued.

After having pointed out in my last letter the principal features of the system of Bentham, it would remain for me to speak to you of the means, by which he proposes to carry it into execution with success: but you will dispense with my entering into many particulars on this head, when you are informed, that the simple outline of his scheme of laws occupies more than fifty pages.

In this we find some traces of the energetic sagacity of his mind, mingled with extravagant conceptions: but we are particularly struck with a strange contrast between that theoretical confidence, to which the remoulding of the social order seems to be mere play, and the minute precautions, which could have been dictated only by an

excessive prepossession for the manners and institutions of England; so much are the most enterprising minds unconsciously swayed by the power of habit.

There is one point of Bentham's system, however, to which I must call your attention, because it coincides with an opinion, unfortunately too common among certain friends of liberty in France: an opinion, which, if not destroyed, will not permit our political institutions to acquire any strength, any real vitality. Accordingly the friends of power, who are ever so little capable of perceiving their own interests, take care not to dispute it. I speak of voting in secret.

The election by ballot is an essential part of the system of Bentham, for which he assigns two reasons. On the one hand, he dreads the influence of superiors in society, of landholders over farmers, of masters over servants, of magistrates over those subject to their authority. On the other, he would spare the citizens the trouble of repairing to the place of election, and enable them to send their votes under seal, either by the post or otherwise: for every removal from one

place to another is attended with loss of time, and with trouble; and all trouble is inconsistent with the principle of utility.

To this nothing can be said, but, that any people, who consider the election of their representatives as a burden, ought to renounce liberty. If the exercise of your civic rights be irksome to you, if it be not a happiness as well as a duty, if it do not cause your pulse to beat with a generous emotion, bend your neck to the yoke, you will find masters enough to guide you; or take refuge in the domain of abstractions, and study the mathematics; but do not entertain the vain hope of tasting the enjoyments of liberty: *multo majoris alapæ veneunt.*

It is just however to acknowledge, that there is a happy inconsistency between the doctrines and sentiments of the disciples of Bentham; for few men are more sincerely ardent in the cause of liberty, or ready to make greater sacrifices for it.

While requiring votes to be sacred, Bentham does not conceal the difficulty of effecting this. Many of our liberals simply imagine, that nothing is requisite for this but a law, and a large paste-

board screen between the president and the elector, who comes to write the name of a candidate. They fancy every thing is finished, when he has dexterously slipped his ticket into the urn, without any one being able to read it over his shoulder. But Bentham, amid all his Utopian ideas, is not such a novice with regard to practice. He is aware of the innumerable means, by which votes may be known before, during, and after an election; he knows how easy it is, to render all legislative measures on this head illusory; so that you would scarcely credit the number of minute precautions, to which he has recourse.

First he has a secret box, in which the names of the candidates are deposited. This box resembles a cucumber frame; it is two feet long, one foot broad, fifteen inches deep on one side, and twelve on the other. One of the sides admits the light by a ground glass, through which objects cannot be seen. At each end is a hole, large enough to admit the hand and fore-arm. In the top is a small glass, through which the elector can read the names of the candidates, previously inscribed on tickets lodged in different compart-

ments. These tickets are made of two pieces of paste-board of equal size, united by a hinge; the name of the candidate is inscribed on one; and the outsides are black: so that, when the two are folded together, no person can read the name within.

Then comes a tin box to receive the tickets, next stereotype plates, posting bills of all colours, and I know not how many other puerilities, at which respect for the name of Bentham can scarcely prevent your smiling.

After having raised this tower of cards with great labour, he does not deny, that a breath may overset it; and that nothing is easier, than to obtain from the electors a direct avowal of their votes, or an indirect acknowledgment." But he hopes to avoid this difficulty by making them sign a declaration in the following terms.

" I solemnly promise, never to divulge, never to make known, directly or indirectly, to any person whatever, for or against what candidate I have voted.

" If any word be addressed to me, if any question or sign be made to me, with the view of

knowing my vote, I will consider such question, word, or sign, as an attempt at oppression.

"I declare then by these presents, that being placed under the stroke of such oppression, no more confidence is to be attached to any thing I may say, than to the answer I should give a highway-robber or a madman, to save from immediate destruction my own life or that of a person dear to me."

"What signifies," adds Bentham, "what a man says, if none of these words be capable of making any impression on the mind of another? When the vote of an elector is known only to himself, it is not merely easy for him to keep it secret, but absolutely impossible for him to make it known to any other person whatever. I may say to Mr. such a one: 'I have voted for you.' Suppose this to be true, how can Mr. such a one know, that I have spoken the truth? He has no means of convincing himself of it, any more than he would of discovering the truth, if I had asserted the contrary."

This, you will say, is egregious trifling. No doubt it is: but the sophism it includes is both

serious and full of peril. This is the idea of making untruth on one side, and distrust on the other, guarantees of a democratic constitution: it is the believing that we may form men to freedom, by encouraging in them that political cowardice, that fear of avowing their sentiments in the face of their fellows, which is a thousand times more fatal to liberty than the violence of a conqueror, or the insidiousness of a despot.

Let us remark here, that, in advocating the secrecy of votes, the partisans of universal suffrage run into the strangest inconsistency, whether they embrace the doctrines of Bentham, or adopt that of the sovereignty of the people. On the one hand, they deify the public, and allow the citizens in general to possess the highest degree of science, moral and political infallibility: on the other hand, they declare these same citizens unendued with the least courage, and incapable of the slightest resistance to the threats or intrigues of power. No people deserves this superstitious reverence, or this insulting mistrust.

The partisans of secret voting forget also, that the great benefit of a free election consists not so

much in returning this man or that, as in bringing the citizens together, reanimating their patriotism, and electrifying by the impulse of example those, who, if left to themselves, would sink into selfishness and apathy.

Have patience, I have heard some say; the nation is not yet ripe for what you require of it. Some day perhaps it will acquire the civic courage it wants: at present open voting would be too favourable to the already exorbitant influence of power. Certainly the late elections must at least have convinced us, that power very well accommodates itself to secret voting: but farther, if this civic courage, for the arrival of which we wait to do what we ought, be never put to the trial, if it be furnished with no opportunity of displaying itself, when can we expect it to make its appearance? What would be said of a general, who, having to form young soldiers to the trade of war, should send them to hide themselves in the casemates, as soon as they heard the enemy's guns? Yet this is precisely what is proposed to us.

Besides, and this sets the question at rest,

secrecy of voting in a political election is a mere chimera. When the candidates are of no importance, and not necessarily connected with the general sentiments of the electors, I can conceive it possible there might be ignorance, in a certain degree, of the colour of the ball each deposits in the urn. But the choice of a representative is the result of the sentiments and ideas of an elector. For his vote to remain really secret, he must be able to refrain from all conversation, not merely on the subject of politics, but on every thing either closely or remotely connected with it. Tell me what a man thinks on one single circumstance, that is of moment to his country or to mankind, and I will tell you whether he will vote for Brougham or for Lord Lowther; for the ministerial candidate, or for Lafayette. What is known to me, government has a thousand ways of learning; and the conscience of timid electors will be so much the more in its power, in proportion as they feel themselves less encouraged by the applause of their fellow-citizens; and less restrained by the apprehension of their censure. Let us reject therefore a prejudice as absurd as

dangerous; and never cease to repeat, that liberty and publicity are two words, two ideas, two sentiments, naturally inseparable.

But I must answer a reproach I am led to anticipate. You have long been descanting, you will say, on the philosophical speculations of the school of Bentham; and say not a word of the plans of reform, which already have been several times the subjects of actual discussion in parliament. After having pointed out to me the Utopian schemes of the radicals, make me acquainted with the practical ideas of the whigs.

On this head, I must confess, I do not feel my mind perfectly free; and perhaps I ought to fear being unconsciously influenced by the friendship, with which some eminent persons of this party have honoured me. Still the love of truth, if it have been ever so little experienced, has much more power than any other seducement; and I will tell you frankly my thoughts.

Lord John Russell was doubly called upon, by his name and by his talents, to become the organ of the whigs on a question of such importance. His ideas of reform therefore we may consider, in

some measure, as the official enunciation of the wishes of his party.

The plan, that bears his present name, consists in reducing to one member the representation of a hundred of the smallest boroughs, that now return two; and of transferring these hundred nominations to the electors of counties, without making any essential change in the mode of election.

The same plan of reform, with a few modifications, had already been brought forward at different periods, and advocated by men of very different opinions. Cromwell, in his parliament, suppressed the little boroughs, and considerably increased the number of county members: and it is a strange circumstance, that Clarendon, whose tory principles are unquestioned, approves this reform. Was it inconsistency on his part? or must we suppose, that, guided by an aristocratic instinct, he suspected such an innovation to be less favourable to democracy in reality than in appearance? The latter explanation, I confess, appears to me to possess most probability.

Subsequently lord Chatham, and after him

his son, were for adding a hundred county members to the house of commons. In 1790, Flood proposed the same addition; requiring, however, that the new members should be chosen by the owners of houses in general, whatever their titles might be. And all the eminent men of the whig party, who from that time to this have called for parliamentary reform, have uniformly sought an addition to the number of county members.

Would such a reform effect its purpose? Has it even a determinate object? On these points opinions may differ.

I conceive, that the aversion to change what has long subsisted has been carried beyond the dictates of prudence, and even to timidity. An institution, though faulty, and even contrary to reason, deserves some regard simply on the score of its duration. On the one hand, it has given rise to interests and to rights, that ought to be respected: on the other, it may be said, that the course of things sometimes palliates in practice the inconveniences of the worst laws; and that there is in the human mind, as in nature, a sort of correcting power, that repairs the faults of insti-

tutions. I comprehend, therefore, the sentiments of those, who decide for the maintenance of existing usages, though I do not participate in them. But if we would effect a reform, we must necessarily proceed on a rational theory: we may make some concessions to circumstances, but the principle must not cease to be our compass. Now it is precisely this principle, which I find it difficult to discover in the plan I have just mentioned.

On the one hand, the tories defend the privileges and abuses of elections as rights of property: on the other, the radicals claim universal suffrage, and the sovereignty of the people. The whigs reject both systems, but without substituting a third: they content themselves with pursuing an intermediate line, of making what we may call a bad composition by the lump between the two extremes. They do not dispute the sovereignty of the people: they even adopt it as a principle, or rather do not inquire to what doctrine this principle leads: but too rational, or not sufficiently bold, to follow it out to its consequences, they content themselves with an approximation,

and fancy in the meeting of county electors a sort of universal suffrage on a small scale.

But these forty shillings a year, that qualify an elector for a county, what do they represent? What is the moral or physical power, of which they are the visible sign? Is it landed property in preference to all other kinds? is it property in general? is it number? is it capacity, that is to be presumed from a certain degree of fortune? These are questions deserving examination, yet I am not aware, that they have ever been investigated in a satisfactory manner.

No one has a greater aversion than myself to the practice, too common with us, of entering into the metaphysics of political science on every occasion, and continually taking up the social order *ab ovo*. However, when the object is to modify the very essence of government, we must necessarily have recourse to philosophy, to enlighten us regarding both the end and the means. As long as a representative system answers the purposes of the society, we may consider it as a settled affair, without investigating its principles, or inquiring into the origin of the right of election.

But when complaints arise; when the time is arrived to suppress privileges arising from abuse, or to confirm new rights; it becomes indispensable, to trace political power to its source, and to acknowledge, as a principle, that it pertains legitimately to those who are capable of exercising it.

As soon as a truth, at once so simple and prolific, is admitted, we have nothing more to do but to examine where the capacity is found, and by what external characters its existence may be known or presumed: for where the capacity is, there also is the right; and where the capacity is not, the right becomes illusory or an abuse. The first thing to be done, then, is to ascertain what are the portions of the community, the progress and improved state of which render them deserving a more ample part in the national representation. By following this principle, no doubt, we are still liable to be deceived, but at least we shall not be proceeding blindfold.

The end of every political reform is either to escape from an approaching danger, or to satisfy permanent and legitimate wants; that is, in the

case before us, either to guard against the violent invasion of a revolutionary party, or to obtain a more equitable representation of the interests and wishes of all the classes of citizens.

Would an increase of the number of county members answer either of these purposes? I think not, and for a very simple reason: it is, that in the present state of manners and property in England, county elections, though wearing a democratic garb, are essentially aristocratic both in their spirit and in their results. In vain shall I be told, that measures will be taken in the scheme of reform, to render elections less expensive, and consequently accessible to a greater number of candidates: my answer is, men's habits and practice in this respect will long remain more powerful than the laws.

Now, if it be acknowledged on the one hand, that the representative body should be as far as possible a faithful image of the country; and if it must be admitted on the other, that the progress of wealth and knowledge is much more rapid in the middle classes than among the nobility; and that, even in England, the aristocracy

does not escape that kind of sterility, by which it is struck throughout the whole world; it will remain confest, that such a reform of parliament, as would increase the aristocratic influence, instead of enlarging that of manufactures and commerce, would be far from answering the real wants of the nation.

It would be childish presumption on my part, to lay down here a plan of reform after my own ideas; but this, I think, I may say with confidence, that the end which ought to be pursued in England is, to increase the influence of the middle classes.

And in this view, without making any alteration in the rights at present enjoyed by the county electors, the new members to be returned on the hypothesis of reducing the number of boroughs, it appears to me, might be advantageously left to electors possessing a higher qualification, but including movable as well as landed property. This innovation seems to me naturally suggested in a country, where so large a portion of the public wealth is of this kind: and, by placing the elective franchise in the hands of richer and more

enlightened citizens, it would furnish, I think, a simple as well as efficacious means of destroying corruption, and diminishing the exorbitant expenses incurred in the present elections.

A reform of this kind would not only be the most equitable in a time of tranquillity, it would also be the most prudent in a period of revolution. For if ever, which God forbid, turbulent factions should threaten the public quiet in England; if the poorer classes, urged by a demagogical rage, should rush to spoil the higher ranks; the aristocracy would be incapable of defending itself by its own arms, and the middle class alone could speak the language of justice and reason to the people with any authority.

LETTER XVII.

Sittings of Parliament.—House of Commons.

If the ideas of our politicians be more just and enlarged on different points of political philosophy than those of the English, the latter resume their superiority, when we enter into the sphere of practice; and this superiority is particularly observable in the conduct of parliamentary debates.

During my different residences in England, I omitted few opportunities of being present at the sittings of the house of commons or of the peers; and I know nothing that would have afforded me more pleasure, if the enjoyment of it had not been embittered by the sad comparison with ourselves. In fact, our assemblies are in such a bad train, the faults of our system of public deliberation are so numerous, that, when we have once compared it

with a better model, there attaches to it not merely a rational censure, but a kind of ridicule, that the eloquence even of our first orators is not always sufficient to make us forget. In this respect we are without excuse: we cannot plead ancient laws, or customs consecrated by time. Whatever pompous phrases destitute of sense we may employ, our present representative government is merely an imitation of England: it is unpardonable therefore, to have copied it badly, or knowingly to have departed from rules and customs, the wisdom of which was most fully proved.

One incontestable fact, in the first place, is, that the English parliament now passes four or five hundred laws in a session, and that we can scarcely adopt fifteen or twenty in the same space of time. Yet our projects of laws are subjected only to a single discussion, and this almost always interrupted by a call for the question; while the acts of parliament have to undergo the test of three distinct readings or debates, and the rules of the houses afford an opposition nearly fifteen different methods of delaying the progress of a proposed law.

A second fact not less certain is, that, notwithstanding the lamentable slowness of proceeding of our assemblies, the laws are always drawn up inconsiderately, and voted tumultuously. Whoever has attended to the debates of our lower chamber may have convinced himself, that the members pass almost at once from an academic pedantry to a revolutionary violence: and amid a nation justly celebrated for the elegance of its manners and the urbanity of its behaviour, it is astonishing to see the opposite parties reciprocally abusing each other in the coarsest terms, and speakers interrupted every instant by brutish clamour, without a debate ever maintaining that tone, at once energetic and temperate, which is the distinguishing characteristic of the English assemblies.

What must we infer from this? Shall we join our detractors, both French and foreign, to renounce the most beautiful titles of the human race, and declare ourselves incapable of liberty? God forbid, that I should ever admit this absurd calumny: a calumny that is palpably refuted by the progress our nation daily makes in despite of

its government. On the other hand, can we say, that our civil dissensions, and the animosities bequeathed to us by the revolution, are sufficient to explain the sad spectacle, which our deliberative assemblies often exhibit? and have we a right to maintain, that Americans or Englishmen, under similar circumstances, would not act better than ourselves?

No doubt it must be confessed, of all political situations, that, which renders the maintenance of order in debates most difficult, is the combination of a ministry subject to the caprices of an ignorant and passionate majority, with an opposition too far from homogeneous in its structure, and possessing too little chance of attaining power, to be willing to impose on itself a regular discipline under leaders acknowledged as such. But, admitting this indisputable fact, we must also allow, that our parliamentary education is still in a state of the greatest imperfection; and that the forms hitherto adopted by our assemblies oppose an almost invincible obstacle to the progress, which we might make in this respect.

Westminister and its two spacious edifices are

to England, what the Forum and the Capitol were to Rome. The traditions of the past in all their magic, the interests of the present in all their vigour, are concentrated there. There repose the ashes of heroes and poets: there a new generation is rising, to supply their place at some future day: there the superior courts pronounce their decrees, and the parliament rules the fate of England and of the world. The imagination, as well as the eye, is incessantly drawn toward those monuments filled with the memorials of history, and even the power of habit is unable to weaken the respect and emotion we feel on approaching them.

We traverse the vast hall in which the house of lords assembles, when it sits as a court of justice in trials by impeachment. There Strafford was condemned: there Charles I. heard sentence passed upon him: there but the other day the eloquence of Burke and of Whitbread thundered against Hastings, and against lord Melville. This hall is constantly open to the public: it serves as an ante-chamber to the three courts of justice that open into it. Its majesty is degraded by no modern decoration; the ceiling, though of wood, has

always been repaired in the Gothic style, and strictly retains its character.

From this hall a very plain staircase leads to the lobby of the house of commons, a small room wholly devoid of ornament, in which meet indiscriminately members of parliament going in or out, men of business who come to inquire the fate of a bill, or to catch members as they pass, and request them to frank letters, idlers, curious persons, and even sellers of oranges; for to the orators of the English parliament oranges supply the place of the sugared water of ours. To this lobby the majority or minority retires, when a division on a question takes place, and the votes are counted: and here the unfortunate Percival fell by the hand of an assassin.

Two old men in plain black coats, sitting on wooden stools on each side of the door, are the sole guards of this house of commons, the power of which embraces both hemispheres. No bayonet appears to offend the eye; and the idea of a president marching by sound of drum would appear ridiculous to those, whom it did not shock as unconstitutional. The pompous introduction of

our ministers would seem equally strange. The speaker, as the official representative of the privileges of the house, is the only person whose entrance is accompanied with any ceremony: he is preceded by the sergeant at arms and the mace, and followed by the train-bearer, supporting the skirt of his robe, an office not reckoned in the number of sinecures, though this is the only duty, I believe, attached to it.

Nothing is more strange and unexpected than the appearance of the interior of the house of commons; nothing at first sight so little answering to all the records of history, to all the images of greatness and majesty, with which the mind feels as it were intoxicated, when you first cross the threshold. The chamber is small, and without decoration: you see neither gold, nor marble, nor tapestry; nothing but wainscot and benches of oak, of that sturdy oak, to which the people of England have so often been compared.

On the benches on either hand deputies in boots, with a whip in the hand, and often even with their hats on their heads, sit or loll at their ease, reading a newspaper, conversing with their

neighbours, or sleeping, while they wait for a debate to interest or amuse them. At the first sight of such an assembly, a superficial observer would be tempted to imagine himself among a club of republicans: but on a closer view, we shall soon discover in this familiarity itself a refinement of aristocracy, from which pride is not excluded. What need is there of restraint among gentlemen? why make a display of politeness among people of quality, all equally assured of the liberality of their education, and the elegance of their manners? Why bind themselves down to a studied dignity, when with a single word they can make all the majesty of parliament appear, and display the formidable apparatus of its power? Such, I believe, is the bottom of their hearts, and the true explanation of the apparent familiarity in the house of commons.

Amid this absence of restraint, certain points of parliamentary civility never fail to be strictly observed; and no reproach is more sensibly felt than that of having been guilty of some unparliamentary expression or proceeding. Thus in many a drawing-room not a few persons are to be found,

who would rather be accused of a breach of morality, than of having sinned against the manners of the world.

The grave dress of the speaker forms a strange contrast with the simple coats, surtouts, or hunting jackets, of the members. His black gown, and the enormous wig that covers his head, remind the house as well as himself, that he is a judge,* and a judge against whose decrees there is no appeal: every member respects himself in him, and the words *order, order,* uttered in a low voice, are sufficient from him to obtain silence, and to put an end to all interruption. The sergeant at arms, in a court dress, and with a sword by his side, sits near the bar. His dress is representative of urbanity, as his office is of power. Finally, the gold mace, surmounted by a crown, the symbol of the imperial sway of parliament, which lies on the table as long as the speaker is in the chair, is like a sleeping lion, terrible if roused.

* In England judges and counsellors, when in the courts, wear wigs, the size and form of which vary according to their different ranks.

If you doubt, whether this absence of restraint among the members be merely one of the modes of aristocracy, follow the same orators to any other public meeting, an assembly of the people at large or of burgesses, and you will see them as prodigal of the formalities of respect and modesty, as they are plain and sometimes rude in their manners and speech in the house of commons. Why is this? Because in the one case politeness, in the other familiarity, is a mark of rank.

I have never crossed the Atlantic: but men, who have been so fortunate as to be present at meetings of congress at Washington, have assured me, that they found there less ease and more dignity, than in the English house of commons. This I should have expected. The American representatives feel themselves constantly in presence of the people, who are their judges, and who alone have made them what they are: the members of parliament, always certain of being elected by right of birth or right of conquest, are a little like the kings of legitimacy, whose pleasure it is, to hold their power only from God and their swords, and to be accountable to no person.

The room in which the commons meet, its arrangement, and its dimensions, may be reckoned without any paradox among the happy circumstances, that have concurred in the developement of the representative government in England. Of this I think you will be convinced, when you cast your eye on the plan of it subjoined to my letter: and a few remarks will make you sensible of the advantages, which it possesses over our halls, copied from the theatres of the Greeks, and over that tribune, an actual bastion flanked with two curtains, to which our deputies rush as to an assault, and where they fight as in a breach.

The form of the room is an oblong square. The seat of the speaker occupies the extremity opposite the entrance. Before it a large table is placed, at which sit two clerks in black gowns. On this table, the bills, petitions, and all other parliamentary papers are laid. On the right hand of the speaker and on the left are five rows of benches, those of the treasury and of the opposition. The leaders of each phalanx usually take their seats on the lower bench near the table, that

they may more easily consult the papers relating to the subject in debate. Here Pitt and Fox were seated; here Canning and Brougham face each other. Thus the breadth of the table is the only interval, that separates the minister from the leaders of the opposition: and in the contest, each of the antagonists is able to note, not only all the inflexions of his adversary's voice, but even the slightest movements of his features. Need I say how much of nature, of interest, and of life, this single circumstance imparts to the debate?

The simplest interpellation addressed to a minister from the summit of the tribune assumes the air of a defiance, or a declaration of war. The same question put just at hand, from one side of the table to the other, has the easy character of conversation, and produces a frank and familiar answer, that smooths many a difficulty in a couple of words.

The benches of which I have spoken are not sufficient to accommodate all the members of the house, when it is full; and the deficiency is sup-

plied by a gallery above, where those members sit, who cannot find room below.

On the right and left of the door, without the bar, are two galleries with seats rising above one another, appropriated to peers and their sons, masters in chancery performing the office of messengers of state, and such strangers as the speaker thinks fit to permit to be present within the room itself. Over these seats is the public gallery, which will not contain, I believe, more than a hundred and fifty persons.

The confined dimensions of the room, and the small number of spectators, are likewise fortunate circumstances, to which I request your attention. It allows the persons who speak to be heard, without altering the natural intonation of their voice; and thus excludes both theatrical swell and the appeal to the passions of the multitude: rocks which our tribune, our amphitheatres, and our galleries often render very difficult to avoid.

The members speak standing in their places. The speaker gives them permission by calling on them by name. When two members rise to-

gether, the speaker or the house decides which shall have the priority. But an instance scarcely ever occurs, in which this point is disputed. The simple feeling of propriety instantly points out to the house, and to the parties themselves, which ought to have the preference. If it be a question of general policy, precedence is naturally given to the most distinguished talents: if some particular subject, the priority will be ceded to him whose station, connections, or studies, enable him to throw most light on the discussion. Far from being set aside, such a man is invited to come forward; and, even if he be little accustomed to speak, he is listened to attentively, as long as he has facts to produce.

The certainty of being heard, if a man rise to speak, prevents all apprehension on this score; it contributes powerfully to the maintenance of order, and thus renders the progress of a debate much more rapid, though it is left to die a natural death, without arbitrarily interrupting a speaker, as with us, by voting to close it [*par un vote de clôture*]. If, when the house is tired, clattering with the feet, low murmurs, and cries of "ques-

tion, question," be heard, these are only symptoms of impatience not possible to be avoided: but the majority never says to the opposition, "you shall not only submit to our strength, but we will not even hear your reasons." This, however, is the plain meaning of our votes of closing the debate, by which, in our houses, the stronger party imposes silence on the minority.

I must call your attention to two practices of the house of commons, frivolous in appearance, yet of the highest importance in regard to the debates. The first is that of addressing the speaker, instead of the house, or of the member answered.* The next, that of never mentioning a member by name.

The first of these customs is no doubt a fiction, but a fiction acknowledged to be so essential to

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* In the upper house, every person who speaks addresses himself to the whole house, using the phrase *my lords*; because the lord chancellor, who presides, being one of the ministry, and therefore called on to take an active part in the debates, is not looked upon as an impartial person, and, as we may say, an abstract being, like the speaker of the house of commons. This is a distinction of great delicacy.

the maintenance of order, that its observance is carried almost to pedantry. Thus, if an opposition member be on his legs, and speaking, should a member, who is in the habit of sitting by his side, but on his right hand, and consequently nearer the speaker, enter the house, he will not go straight to his seat, but will walk toward the treasury benches, go round behind the speaker's chair, and return to his seat by this circuitous course, rather than pass between the speaker and the member who is supposed to be addressing him. It would be the same, if a ministerial member entered while one of his colleagues was speaking; he would walk along the opposition side, and return to that of the treasury, after having passed round the president's chair; thus acting in conformity to the same principle of politeness as would not permit any one to pass between two persons conversing together in a drawing-room. And though, in fact, the minister and the opposition member are the true interlocutors, the fiction is superior to the reality: you may pass between them without impropriety; but it would be a breach of good manners to pass

between the member speaking and the speaker of the house, who is perhaps at the time busied on something very different from the member's speech.

Reflecting on this fiction, which appears whimsical at first sight, we shall find it bottomed on a very just and nice observation of the laws of the human mind. A man has only to consult his own feelings, to perceive that an address in the second person, as — you have said — you have done — your assertions — your conduct — your schemes —, puts our self-love more on its guard, and more powerfully excites our irritability, than an indirect answer addressed to an impartial president, whose aspect alone is sufficient to remind us of the bounds, that are not to be passed in a debate. This form of discussion admits the employment of much more energetic language, without any fear of exciting the passions. A man will patiently hear his words and actions censured or even ridiculed, when his adversary attacks him as *the honourable member on the other side of the house;* but he would feel his vanity wounded, or his honour offended, if the same

words were addressed directly to himself, and in the second person.

The other rule, of which I have spoken, that of never designating a member by his name, proceeds from the same principle. Any one who should infringe this rule, would be immediately called to order, and reminded of the impropriety by a general murmur: but it is become so familiar to all, that an instance of deviation from it scarcely ever occurs, even amid the warmest debate.

Neither are the denominations, by which a member is designated in debate, destitute of importance. Sometimes it is simply by the name of the town or county he represents; and by thus identifying a member with his constituents, the ties that unite them are drawn closer. "The honourable member for Durham, for Winchelsea, for Liverpool, for Westminster," becomes a synonime for Lambton, Brougham, Huskisson, or sir Francis Burdett. Sometimes it is by his title, as "the noble lord opposite, or by my side:" or by his office, "the right honourable secretary of state," or merely "the right honourable gentle-

man." You are aware, that the epithet of right honourable is applied particularly to members of the privy council. At other times it is by the qualities naturally ascribed to a certain profession, as "the gallant officer," speaking of a military man; "the learned counsellor, or sergeant," if of a lawyer. If he who speaks be of the same profession, he will add to the epithet that of "my friend," even when speaking of a person of the opposite party. Thus the attorney-general will style Mr. Scarlett, or Mr. Brougham, "my honourable and learned friend;" because a similarity of profession establishes a familiarity of intercourse between them, which it is presumed a difference in political opinion ought not to interrupt. It suffices to read the English newspapers to perceive to what degree this parliamentary politeness, when it has become an established custom, and has nothing of affectation in it, imparts dignity and elegance to debates, even on the least interesting subjects.

Not only are written speeches prohibited in the house of commons, but unmerciful ridicule would be applied to any supposed to be learned

by heart, and in this the hearers could not be deceived. Orators who speak from memory are like *Petit-Jean*, what they know best is the beginning; as they proceed, their confidence diminishes, and their delivery becomes low and monotonous. They who speak extempore, on the contrary, become animated as they penetrate more deeply into their subject; and acquire, toward the conclusion of their speech, that facility of elocution which is sometimes wanting to them at the commencement.

This prohibition of written speeches is of such constitutional importance, that, as long as it is unadopted in our chambers, we cannot be said to have really entered into the representative system; and to have passed the barrier that separates governments of the old fashion, in which the deliberative assembly is a mere solemn excrescence, from those in which it discusses the interests and directs the affairs of the country.

The first quality the English seek in an orator, the first characteristic by which they recognise the statesman, is that of being what they call a good debater; that is to say, always ready to

answer the arguments of an opponent, and capable of bringing forward his own ideas, not only in the order in which he has digested them, but in whatever manner the course of the debate may require. And in fact, to write well on a question, it may be sufficient to have studied it in one point of view: to speak well on it, requires to have turned it every way, and examined it under all its aspects. In one of the systems the style predominates, in the other the argument: on one side is pedantry and lifelessness, on the other simplicity and animation.

Written speeches, beside the inconveniences peculiar to them, have also that of falsifying the style of the eloquence of those orators themselves, who have a copious flow of language, by compelling them as it were to pay more attention to the manner than the matter; for the ear of the public being accustomed to the academical correctness of written speeches, it requires the same regularity from such as speak extempore, and wonders at the least hesitation, at the slightest pause. In England they are not so rigid: an orator is allowed to correct himself, to reflect, to

meditate a moment on his ideas; and all that strictness of examination, which with us is applied to the style, is employed there on the facts and arguments. In the parliament I have seen a speaker listened to with delight, whose delivery was painful, who hesitated, who at times could with difficulty find an expression corresponding to his thoughts, but whose captivating eloquence also flowed at times like a torrent; and, in the same sitting, a speech of the purest language, delivered with elegant facility, excited only weariness.

But is it just, you will say, to make the talent of speaking extempore the first condition, and *sine quâ non*, of a legislative career? May it not happen, that a representative, endowed with all the other qualities that form the statesman and politician, is deficient in this alone, and that his country is injured by being deprived of the assistance of his talents?* May it not happen too, that,

* On this point I have heard adduced the example of the orator, who, in this very session, has commanded the admiration of attentive France by a written speech. But, if on a

in certain circumstances, a particular member or a minister, even possessing the talent of speaking, may think it incumbent on him to guard against the possibility of any imprudent expressions, that might escape him in the warmth of an extemporary speech? Certainly, what you here suppose may occur: and it is equally possible, that a magistrate, endued with sagacity and patience insurmountable, but hard of hearing, would discern the truth better in a written statement, than by a public pleading with confrontation of witnesses. Yet what lawyer, worthy of the name, would hesitate in the present day between the secret process and the oral debate, between trial by jury and the darksome code, that Charles V. bequeathed to Europe? General laws are not to be framed, to meet such rare exceptions. And as to the being hurried away in the tribune,

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question of deep religious and political philosophy, when the truth had no chance of being triumphant by discussion, a sage thought it his duty to engrave as it were on brass his solemn protest, does it follow that he would have spoken with less talent than he wrote? Assuredly not, and his legislative career has evinced the contrary.

which is dreaded, I see in it, on the contrary, one of the greatest benefits of extemporary speaking, one of its noblest and most advantageous moral consequences. Under the influence of its magic power, the dissembler is impelled to frankness, the cold heart finds something of a generous inspiration, and vanity itself sometimes supplies the place of emotion in minds dried up by selfishness.

With regard to extemporary speaking, we want nothing but the will to attain excellence. No nation in Europe has such a natural aptitude to the art of oratory. I call to witness the transcendant talents, that ten years of a very imperfect representative government have already unfolded in a chamber, composed of deputies whose age at a medium is fifty-five. The annals even of the British parliament furnish few debates comparable to the discussion of the law respecting the press, in the session of 1819.

LETTER XVIII.

Continuation of the preceding.—The House of Peers.

The room in which the peers meet is more spacious and more ornamented than that of the commons. It is an oblong square; one of the ends of which is occupied by the royal throne; and at the other, below the bar, is the space reserved for the public. Here the members of the house of commons, with the speaker at their head, stand uncovered to hear the king's speech. At this bar also the counsellors and their clients place themselves, when the house is supposed to sit as a court of appeal. I say supposed, for in this case the lord chancellor is the only real judge, even when the appeal is from himself, as presiding in the the court of chancery, to himself, as presiding in the house of lords. The two peers taking a nap

during the pleadings are there merely for form sake.*

I have asked myself on this occasion what would take place, if a few young lords, from a spirit of opposition, or even as a party of pleasure, should come unexpectedly to constitute a majority against the grave opinion of the chancellor. The answer is in the empire of habit and of good sense. But the same sentiment of propriety, which in civil causes would keep away from judicial debates peers not familiar with legal studies, would call them thither on the contrary, if some subject of general interest were to be discussed, or some serious cause of complaint against the chancellor in the first instance.

The throne is separated from the seats occupied by the peers by a little partition breast-high. On the right hand are the benches of the bishops, beyond them those of the ministry; on the left hand those of the opposition. On common occasions the peers of the blood royal have no

* There must be at least three members present to give judgment.

place particularly assigned them, each sitting among his political friends: the duke of York on the side of the ministry, to which he belongs; the duke of Sussex with the opposition.

The woolsack, on which the chancellor sits, is precisely what its name implies, a large bag of wool, covered with red cloth, without any kind of back to lean against; and such is the minute respect paid to ancient customs in the slightest things, that the present chancellor, a man near eighty years of age, *hesitated* more than seven years on the question, whether he should allow a cushion to be brought him, when the sitting was too long and fatiguing.

When a messenger from the commons is announced, as bringing to the upper house bills passed by the other branch of the legislature, the chancellor rises, and goes to the bar, carrying in his hand a bag of red velvet embroidered with gold, into which the messenger from the commons puts the first bill, with which the chancellor returns, to deposit it in its place. He then goes to fetch a second, a third, a fourth, making as many journeys as there are bills, instead of taking them all at once. To each of these procession

of the chancellor is attached a fee of ten guineas, when it is a private bill; and these fees form no inconsiderable portion of the casual profits of the office. Malicious observers say, that it is not impossible, to see by the chancellor's countenance, whether the bill be of the private kind, or pertain to the public concerns of the state.

To introduce such ceremonies where they are unknown, would be as absurd as peurile; and even in a country where they have long existed it would not be easy to justify them in the eyes of reason. However, when they affect no serious interests, and do not retard the progress of business, they may please some people's minds, by connecting the present with the remembrances of another age.

Women are wholly excluded from the sittings of the house of commons. No exception is allowed to this rule, but for priucesses of the blood, and ladies accompanying them. Except this very rare instance, it is only disguised as a man, that a woman can go to hear her husband or brother speak. In the house of lords they enjoy a little more indulgence: they sometimes

obtain permission to be present behind the hangings that surround the throne. I even recollect a legislative question, on which the solicitations of some ladies of high rank had exerted so much influence, that, in coming to hear the debates, they seemed less like simple spectators, than generals of an army following with their eyes a battle, of which they had traced the plan. This however is only an irregularity, from which no inference is to be drawn; but it struck me the more, as I should have thought it incompatible with the political practices of the English.

In general the forms of deliberation are the same in the house of lords as in the house of commons; or at least the differences are not so important as to be worth reciting.

What eminently distinguishes the parliamentary speakers of our day consists in the simplicity and correctness of their reasoning. I spoke to you in my early letters of the propensity the English have, to confine all questions within the temperate circle of practical ideas immediately applicable to the interests of their country. It is of late more especially, that this tendency of men's minds has

become evident. When lord Chatham held the sceptre of the parliament, and till near the commencement of the American war, the character of political eloquence in England more resembled what it is with us. Quotations from Locke abounded in the speeches of that period, in which we often find political questions connected with the general principles of moral philosophy.

In the following generation the fashion had undergone a change: and during the reign of Pitt, Fox, and the great orators who are still distinguished under the name of the race of giants, we see men's minds gradually declaring more and more against all emphasis in delivery, and metaphysical flights in argument. The general feeling was so decided in this respect, that even the talents of Burke could not surmount it. When he rose to speak, every one was for retiring, to such a degree that he got the nick-name of the *dinner bell;* and some of his discourses most admired in print were delivered in an empty house.

On considering the actual composition of the parliament, we shall find, I believe, that, by the side of a few men of talent, who will bear a com-

parison with the greatest models, are a number possessed of just notions, and practical knowledge, which render it on the whole superior to any of its predecessors. It is only on matters of public economy however, that this superiority is incontestable. When we enter a loftier sphere, we are sometimes painfully affected by something narrow in its notions, and incomplete in its reasoning. It is impossible not to remark this in the debates relating to the religious and political organization of Ireland. The questions in general are neither attacked nor defended on a field sufficiently large; and we are astonished not to find in the discussion either the reflections or the examples, that would throw the greatest light on it. When the object is merely to improve the internal administration of a country, where the great bases of liberty and justice are already secured, undoubtedly we cannot go straight forward to the fact: but when, as in Ireland, the social system itself is to be remoulded, how can we avoid tracing it up to its source? The solutions that are not afforded by history must be discovered by reason.

What, in my eyes at least, gives the parliamentary debates an incomparable attraction, is less the extent and loftiness of the ideas produced, than the manly simplicity of form their eloquence assumes. Tranquil in the feeling of their moral dignity, the orators never think of putting on a borrowed grandeur: the style of speaking is easy: pleasantry, far from being rejected, is favourably received: allusions to the national literature, or to the models of Rome and Athens, lend a charm and colouring to subjects sometimes dry in themselves; and quotations of the ancients have nothing pedantic amid an audience to which the slightest shades of the classical languages are familiar.

An opposition member one day, attacking the government on the profusion of its expenditure, quoted the phrase of Cicero: *Optimum vectigal est parcimonia:* but, mistaking the Latin prosody, he pronounced it *vectĭgal,* making a long syllable short. "*Vectīgal,*" said the minister (I think it was lord North); contenting himself, by way of answer, with restoring the quantity, which his opponent had mutilated; and the jest was instantly relished by the whole house.

Fox quoted the verses of Homer and Sophocles, with which his surprising memory was enriched, certain of being understood by his hearers; and though this practice is now out of fashion, to have studied ancient literature, to be a good scholar, is still one of the essential conditions for shining in parliament.

In comparing the two branches of the English legislature, and reflecting on the talents of the first order included in the house of lords, I have often been surprised, that the debates of this house are not so interesting as those of the commons; and that, except on extraordinary occasions, they are in some measure cold and languid. It may be said, no doubt, that, as most bills originate in the lower house, the first and liveliest interest is exhausted, when they arrive at the house of peers: but on the other hand, the votes of this house have all the importance of a decision after an appeal from an inferior court. I conceive therefore, that we must seek for other causes of a phenomenon, that may justly excite surprise. If I were called upon to point them out, perhaps I should find two; one physical,

and secondary, in the disproportion between the extent of the house, and the small number of peers in the habit of attending it: the other more important, and more general, in the progressive weakening, that the aristocratic principle experiences throughout the world. Even in England, where venerable trunks are yet standing, their vital strength gradually disappears, and the sap of the imagination takes another course.

LETTER XIX.

The course of legislative Debates in France and England compared.

In my last letter but one, I observed, that, notwithstanding the numerous precautions, with which the deliberations of the English parliament are surrounded, business proceeds with incomparably greater rapidity than in our chambers, though the laws are subjected only to a single discussion in these. The fact has no need of proof, but it requires explanation. To find this, without dwelling too much on questions of regulation, let us follow a law proposed in the principal phases of its discussion; and give an account of the manner, in which the business is conducted in France and in England.*

* Two works should be constantly under the eye of those, who engage in the important question of regulating deliberative assemblies: one, very ably translated into French by M.

The sittings of our chamber of deputies open with reading the minutes of the preceding day: and these minutes contain an analysis of every speech, instead of being confined, like the journals of the house of commons, to the results of the deliberations, and the acts that may constitute the law. Here we have a double loss of time, first in the useless prolixity of what is read, and next because a punctilious self-regard, finding the

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Pichon, is the Parliamentary Manual of Mr. Jefferson. This is a summary of English experience sanctioned by American sagacity. The other is the *Tactique des Assemblées législatives*; a work, in which M. Dumont has displayed the most philosophic arguments in the most sprightly manner. We there find the regulations drawn up by the author for the representative council of the republic of Geneva. These are founded on the practices of the English parliament, with some improvements in certain particulars. On presenting this work to the council, of which he is a member, he adopted the ingenious idea of requesting, that it should be subjected to the forms of deliberation traced out in it; in other words, that in discussing the plan, it should be taken as already adopted. The trial was so satisfactory, that the regulations, which were unanimously adopted at once, are become habitual with the citizens of Geneva. They are followed in all the committees, in all the meetings to which the spirit of association gives rise: and this practice has introduced into the conduct of affairs remarkable promptness and regularity.

secretaries have badly expressed its thoughts, is sufficient to produce a debate on a single word, while the order of the day stands still. But this is not the least inconvenience of these analyses: for, fastidious in times of tranquillity, they would become dangerous in a period of disturbance or revolution. When the public papers give an account of the debates, it is at the risk and peril of the editors: the deputies always have it in their power, to disavow what is printed in their names. But minutes approved by the chamber acquire an official character; and every orator is presumed to adopt even the slightest expressions that are ascribed to him. Every deputy suspected by the dominant faction would here have his indictment prepared before-hand: it would be an arsenal, where the strongest would find weapons ready forged, to crush the minority.

Then comes a report from the committee of petitions. Here one, two, three orators in succession ascend the tribune, and set forth, that Mr. such a one asks permission to marry his sister-in-law; that another desires a tax on useless dogs; that a third imparts to the chamber a

new plan of administration and finance, and that there is something good in his ideas; that a fourth is desirous of obtaining the riband of the legion of honour; that a fifth proposes to decree the surname of *well-beloved* to the late king, on which the committee gravely demands passing to the order of the day, because his majesty has already received from his people that of *desired*. And the most sprightly of nations, the most sensible to the slightest shades of the ridiculous, has been listening patiently for ten years to such paltry things, without reflecting, that human life is too short, thus to waste the time of a deliberative assembly. When the subject of a petition is more serious, the consequences of our system are scarcely more satisfactory; for referring them to the ministers, depositing them in the office of information, and passing to the order of the day, are only three kinds of death to the petition more or less honourable.

Would you propose then, you will say, to suppress the right of petition, as it is exercised in France? Assuredly no. As long as the right of proposing laws is withheld from the chambers, it

is better to give it indiscriminately to all who choose to put a petition into the post-office, than to deprive the citizens of all means of demanding them: but what reason points out would be, to give this right to the chambers, on which it has devolved by all the rules of common sense, and to make the deputies the organs of the wishes of the citizens.

This is in fact what takes place in England. Every petition must be presented by a member, who may make it the subject of a motion, or lay it on the table and merely desire it to be read, according to circumstances. Thus the houses are guarded against frivolous and intemperate petitions, and just claims are sure of finding advocates. Farther, it is by no means presumed, that the petitioners have a right to cause the parliament to deliberate on the subject of their demand: the petition is considered only as the ground of the motion made by this or that member, to whom alone it belongs to commence any proceeding on it: and thus, as I have said before, the true meaning to be attached to the right of petitioning in England is that of meeting to deliberate on grievances, which

persons may be desirous of laying before parliament or the king.

Collective petitions, proceeding from a body of men, or from a county, which are rejected by our laws, are those on the contrary, which the English value most, as they express the opinion of numbers: and it is seldom, that a measure of any importance is adopted by parliament, without its being urged and encouraged, if not compelled to it, by the number and unanimity of petitions presented. We then see members arrive bending under the weight of those with which they are loaded; and, dropping at the door a vast roll, one of the ends of which they hold in the hand, they proceed up to the table, spreading before the eyes of the house the long strip of parchment, covered with fifty or sixty thousand signatures. This is a kind of pleasantry sanctioned by custom. It is also the practice for a member, who presents a petition, to seat himself on the treasury bench while it is reading. This point of form gives rise to strange approximations. Thus I have sometimes seen sir Francis Burdett by the side of lord Castlereagh, and Mr. Hume by that of Mr. Vansittart.

But let us return to the course of our propositions of laws. A communication from the government is announced. The door opens, and a minister, or a commissioner from the king, comes forward, preceded by two tipstaves, ascends the tribune, and reads a long exposition of motives, precisely resembling the preamble of a rescript of a Roman emperor: as if, in a free government, the best explanation of the motives of a legislative measure were not to be found in the speeches themselves of the authors of it, and their answers to the objections of its opponents. Here too is another waste of time. Why deliver from the tribune a work composed at leisure, corrected, and written out fairly, which it would be so natural to send at once to the *Moniteur*, where every deputy might read it more at his ease, and with more attention?

I ought also to point out to you from the beginning, among the principal causes of the slowness of our deliberations, this regal *initiative;* which, inspiring the ministers, and almost the king himself, with an author's affection for the slightest particulars in the project of a law, induces the

government orators, to contend for minutiæ of no importance, and consider the slightest amendment on a bridge to be built, or a marsh to be drained, as a check on the crown.

The project of a law is presented: what becomes of it then? It is sent to the committees. These committees, as you know, are composed from the whole chamber, divided by lot into nine sections, each of which elects one of the members of the committee appointed to examine the project of a law; and this committee, in its turn, selects one of its number to draw up the report. Let us stop here a moment, for never did a more irrational contrivance fetter the progress, and falsify the natural character of a legislative discussion.

There seem to be but two modes of deciding a question, reason and force. Our regulation, in concert with judge Bridoye, has invented a third, which is chance. In fact, it may happen, that the distribution of the members in the committee is such, as for the opinions of the majority of the assembly to be those of the minority in the committee; so that the committee is certain before-

hand of its labours being in vain, and that its report will be rejected at once by the chamber.* It may happen too, particularly in a question of local interest, that all the deputies acquainted with the facts, and capable of elucidating the discussion, are concentrated in the same section; so that of the nine members of the committee, there will only be one who knows any thing of the business.

But what has this committee to do? Has it been informed, by any preceding debate, of the

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* Suppose an assembly composed of 450 members, 242 of whom support the ministry, and 208 vote with the opposition. Each of the nine sections will consist of fifty members. Now suppose the minority of 208 equally distributed among eight sections, it will form a majority in each, and the 242 ministerial votes will be distributed as follows:

Minority of 24 in each of eight sections -	192
Unanimity in the ninth - - - - - - -	50
	242

Of nine members of the committee, then the majority will nominate only one.

(This is an extreme and highly improbable case. But it is very possible for the opposition members to have a majority in five of the nine sections, in which case they will nominate five of the members of the committee, so that the majority of the committee will be in a minority in the house. *Tr.*)

difficulties that are to be solved? Is it charged with one of those particular businesses of inquiry or composition, which are better executed round a table covered with green cloth, than amid the passions of the chamber; while, on the contrary, the grand features of a legislative measure cannot be decided with advantage, except in a general discussion? Has it any power to compel the appearance of witnesses, and to ascertain facts? By no means. What then will it do? It will meet, talk, be exposed to the intrigues of parties and solicitations of the ministry: weeks will pass away, before a decisive majority declares itself in it: at length it will name a reporter, who, in a longer or shorter time, in proportion to his readiness, will come and present to the chamber the result of its labours. And these labours in general will be nothing but a collection of general positions, in which deputies, who are strangers to the point in question, and consequently ought to hold their tongues, will have indulged themselves, as an excuse for making a speech. All this time the chamber remains idle.

On the report being presented, there is another

waste of time. The deputy presenting it tires himself with reading a long abstract, to which no one listens, or to which, at least, it is silly to listen; for it would be more rational to employ the morning in any thing else, and wait till the report is printed, to meditate upon it at leisure.

The reading finished, deputies from each side rush to the table, to secure the privilege of speaking *for*, *against*, or *on* the minister's proposal. The most nimble, or the most robust, obtain the first ranks: others, less fortunate, content themselves with a twentieth, thirtieth, perhaps a fortieth or fiftieth turn. Do they know what they will have to say when their turn comes? Can they tell whether the arguments that recur to their minds, will not have been repeated ten times over, before it is their turn to speak? Do they know how far the debates will have changed their way of thinking? Not in the least. But no matter; they will have the pleasure of speaking, or at least they will have testified their good will: and if the closure of the debate prevent their admission to the tribune, they will print what they would have said, or what they might have said,

if the discussion had continued till their turn came, and their opinions had remained unchanged.

The general discussion begins; and now written speeches, placing superior talents and mediocrity on a level, occasion delays without measure. A man endued with good sense, but destitute of oratorical talents, who, if these readings were prohibited, would confine himself to giving some useful advice in a few words, as the articles came under discussion, cannot resist the temptation of seeing in print, in the *Moniteur*, a morsel of his composition, or that of some charitable friend.

Still it would be nothing, if all these speeches were read in suitable order: but the custom of calling alternately on the orators entered for and against the project, and that of allowing the ministers to speak whenever they require it, frequently give to a debate the most incoherent character.

An orator has written a speech in answer to one of those delivered the preceding day: but on the following day comes another, by which

the question is totally altered. What will our orator do now? Will he sacrifice the offspring of his lucubrations? This would be too cruel. He will utter a few sentences extempore, to tack his discourse well or ill to that preceding it; then, drawing his paper out of his pocket, he will read his reflections, that no longer answer to any thing, and throw a deadly frigidity over the sitting. Another, on the contrary, will offer with the utmost simplicity, as an excuse for not ascending the tribune, his having left his *opinion* behind him in the drawer of his bureau, or the pocket of his great coat. In truth, I know not why we are accused of a turbulent vivacity: I am confounded, on the contrary, at our gravity and patience. Never would an assembly of Americans or Englishmen be prevailed on to listen to such a long series of written dissertations, the monotony of which is broken only by interruptions and invectives.

The discussion of the articles immediately follows that of the whole of the law, so that these two discussions form in reality only one. Here written speeches are less frequent, and the de-

bates become more animated and interesting. But hence arises another inconvenience. After spending long days in useless readings, it is during the sitting, and amid the storm of irritated passions, that amendments are to be conceived on the spur of the moment; whence it follows, that they are for the most part badly contrived, and as badly drawn up. And, were they not, little would be gained: for the vote of the law succeeding to the discussion of the articles without any interval, there is no time to contemplate it as a whole, and examine whether the amendments, though reasonable in themselves, do not render the law absurd, by deranging its general economy.

According to the letter of the charter, each amendment should be referred to a committee, there to be discussed: but of two evils it was requisite to choose the least, and necessity has led to setting aside an article, that would have rendered all deliberation impossible.

The last stage of the discussion having arrived, nothing remains but to proceed to the ballot, such being our mode of reckoning votes. Here,

at least, it would seem no loss of time is to be apprehended: but this is far from being the case. The forms of calling on the members by name [*appel nominal*] and examining the ballot [*dépouillement du scrutin*] are such, that we have found means of employing three quarters of an hour in a process, that would be finished in ten minutes, if we adopted the balloting boxes used in England, in clubs where secrecy of voting is practised. And suppose the *appel nominal* to be demanded on several articles of a projected law, which may very easily happen, whole days would be spent in counting black and white balls. It would be too much, were our lives as long as those of the patriarchs.

But will a day never arrive, when our deputies, shaking off this deplorable timidity, will be proud of displaying their opinions in the face of their country; and when, far from concealing themselves behind the curtain of a ballot, a curtain indeed easily lifted, they will take care, as in England, to publish a list of the majority and minority on every important question? In France, you will tell me, public voting would be too

favourable to men in power.—At first, perhaps it would: in the course of time, I doubt it much. What kind of liberty must it be, that has no ambition but that of filching a few laws by the help of a mysterious urn, without ever acquiring the faculty of forming men and citizens?

We have followed the different phases of the discussion of a projected law in the chamber of deputies: we will leave the orators of the government, to accompany it to the chamber of peers, where, obliged to sift over again beyond the power of mortal strength arguments already exhausted by the debates of the other chamber, they will gather the bitter fruits of the regal initiative. But I must point out to you one deficiency in our constitutional laws, which, under various circumstances, may lead not only to interminable delays, but to serious dangers: this is the total absence of means of communication between the chambers. Suppose one of them should insist on an amendment, which the other should obstinately reject. Here the wheels of government would be completely stopped: an inconvenience that would be avoided, if we

had, like the English parliament, those free conferences of the painted chamber, where commissioners from both branches of the legislature adjust and obviate differences by reciprocal concessions.

Now let us take a rapid view of the order of debates in the house of commons: we shall meet, no doubt, with some caprices, and some abuses; but in every thing essential to the progress of business we shall find promptitude, method, and simplicity, where with us we have seen nothing but dilatoriness and confusion.

The house of commons has two modes of exerting its influence on the concerns of the country, as an integral part of the legislative body, by passing laws, and as a grand national council by addresses to the king, and by resolutions. These resolutions may be either a general announcement of an intention, that will subsequently appear in the shape of a bill; or a declaration of certain principles, and the manisfestation of certain sentiments, as for instance the celebrated motion of Mr. Dunning, in 1780: "that the influence of the crown has increased, is increasing, and ought

to be diminished." But as what concerns us is to compare the proceedings we follow in the discussion of laws with those consecrated by long experience in England, let us confine ourselves to pursuing the *progress* of a bill from its origin to its adoption.

The first step toward presenting a bill is, to obtain leave of the house. The member with whom it originates, whether he belong to the ministry or the opposition, begins therefore with giving notice, that on such a day he will move for leave to bring in a bill, the purpose of which he mentions. This formality is strictly observed, that the house may not be taken unawares, and that the antagonists of the bill may be prepared to oppose it. In general, a great deal of courtesy takes place in these preliminaries, and we are involuntarily reminded of the words of the English grenadiers at the battle of Fontenoy: "Gentlemen of the French guards, fire first." From the beginning any member of the house may declare, that he will support or oppose the bill to be presented, according as it shall or shall not include this or that clause, which he may

deem desirable; and in pursuance of this declaration the partisans of the bill, its *supporters* according to the received phrase, have it in their choice, either to modify it, or to contest the point. You see already how much delay and useless discussion may often be spared by this simple mode of proceeding: for, if it be a minister or a member of weight belonging to the majority, who declares on what conditions the bill will receive his assent, the member with whom it originates will know at the outset what he may reckon upon; and, in concert with his party, determines to make or refuse the concessions demanded, according as he has most at heart the result of the division or the effect the debate will produce.

On the day appointed, he who brings in the bill, unfolds its motives; he is seconded by a member of the same party; the bill is laid on the table; and the speaker puts the question, whether it shall be read the first time. The lists are then open, and the adversaries of the bill may either oppose the reading directly, or put it off by moving for an adjournment.

It is not usual for a debate to take place at the first reading of a bill; or at least the general principle of it only is then considered: for it seems by no means reasonable, to combat the particulars of a bill that has not yet been read; and it would be a waste of time, to endeavour to amend what may perhaps be rejected altogether the next moment.

Accordingly the second reading is the proper field of battle. The bill has then been printed; it is known to the whole house; and the period is arrived, to attack it as a whole, or to modify it by amendments, since there is then a presumption, that it will be adopted.

After the second reading too it is usual, to send the bill to a committee, either special, or of the whole house. This however is merely a custom, to which there are many exceptions. Important propositions are sometimes discussed in a general committee immediately after the first reading; and there are even certain motions, that can be made only in a committee. Sometimes too it happens, particularly when local measures are in question, that the supporters of the bill themselves

desire it to be sent directly to a committee, either to draw it up in a more correct form, or to collect facts, and hear the parties interested in it.

Special committees are either composed of a certain number of members named exclusively by the house, or free to all members who choose to be present at the deliberation. In the former case they are called *select committees*, in the latter *open committees*. Sometimes too the nature of the subject requires, that what passes in the committee should be kept secret, and then the members are sworn to secrecy.

The committees may be elected in various ways: either by ballot, or by presenting a list in the usual shape of a motion, or lastly, in the case of contested elections, conformably to an ingenious mode prescribed by a particular law. But most commonly the proposer of a committee gives a list of the persons of whom he wishes it to be composed. Other members, if it appear requisite, propose the addition of this or that name to the list: and in general a sense of decorum is sufficient, to indicate to him who presents it, that it ought to contain some members of consequence

in the party opposite to his own. Besides, a previous debate having disclosed to the house who are best acquainted with the subject, there is reason to presume, that the selection will be made with discernment. It is an established rule, not to include in a special committee, any members, who have argued for rejecting the proposal altogether, but such only as desire it to be amended. In fact, a man who rejects a proposal entirely, does not seem calculated to amend its different parts.

Observe how much wisdom there is in these parliamentary forms; and at the same time how free they are from stiffness, and easy to be accommodated to the infinite variety of human affairs. Accordingly, it is in fact in the committees of the house of commons, that all those questions respecting regulations [*questions administratives*] are discussed, which with us are decided in the office of a minister, or in the privacy of a council of state. It is in the presence of the public, or at least of the parties concerned and their counsel, that the committees examine witnesses, consult persons of science and experience,

and discuss affairs of every kind referred to them; affairs so numerous, that sometimes a dozen committees, occupied on different concerns, may be seen assembled in the same room. These committees meet at noon, and their sittings ought to close at four o'clock, when those of the house are opened for reading prayers, but they receive an order to prolong them. As soon as the business of a committee is finished, the chairman presents himself at the bar, and at the call of the Speaker comes forward and lays on the table the report with which he is charged. Nothing can be more simple and speedy.

That this system however is spotted with many abuses is incontestable, as numerous complaints bear witness. But at least there stands a remedy by the side of the evil: and if corruption sometimes creep into the committees, complaint may be immediately made to resound through the house, for injured interests never fail to find an advocate.

When the house is formed into a general committee, the mace is laid under the table; the Speaker quits his seat, which he alone has a right to occupy, and appoints a temporary president.

who takes his place at the table. A familiar discussion then takes place, in which the debaters are freed from a rigid observance of the rules adopted in sittings of the house. A person may speak on a question as often as he thinks proper, propose amendments, and suggest alterations in the style. A member, who would not venture to make a set speech, does not hesitate to make known a fact, or to request an explanation. Such a debate has all the ease of conversation. And here particularly is perceived the advantage of every member speaking in his place: as soon as he has finished what he had to say, he sits down, without thinking himself obliged to beat his brains for a peroration. How often, on the other hand, have I seen our deputies as it were chained to the tribune, because they did not dare to descend from it, till they had hit upon some brilliant and sonorous conclusion for their speech!

When the general committee has finished its examination of the question submitted to it, the Speaker resumes his seat, and a report of the amendments adopted by the committee is made, while the house continues to sit. This report,

addressed, as we may say, by the house to the house itself, may seem whimsical at first view: but we are soon aware how essential this custom is, to avoid a surprise, and maintain the gravity of debate.

At length the bill comes to a third reading; and all the members having had time to review it, and examine the modifications it has undergone in the course of the debates, there is no fear, as with us, of the serious inconvenience I have noticed above, that of voting blindfold on a proposed law, the nature of which has often been changed by amendments.

You see how simple and philosophical this course is: it is actually the way, in which the human mind proceeds. Do we trace out a plan, or propose any business whatever? we begin by considering the principle; we then examine the particular parts; and lastly we review what we have done as a whole. Such is the object of the three debates.

But if it be acknowledged, that this mode of deliberation is the wisest, it is no less certain, that it is also the most speedy. The numerous

trials, to which a proposition is subjected before it is concluded on, calm the passions, and prevent self-love from being hurt: no one is eager to claim the right of speaking, when all are sure of having more than one opportunity of expressing their sentiments; talents of every kind, merit of all descriptions, find a place suited to them, and there is no hurry on any point. If a building have many places of egress, the crowd will be divided, and glide out without embarrassment: open but one door, let it be ever so wide, you you will soon find it obstructed. You are aware however, that in urgent cases the three readings of a bill may take place on the same day.

The mode of collecting votes in the house of commons has in it something whimsical. It is one of those old traditionary customs, that you meet at every step in England, notwithstanding the principle of melioration is there so vivacious and energetic. The Speaker, having put the question, desires those who are for adopting it to say *aye*, and the opponents to say *no*. "The *ayes* have it:" says the Speaker, when he judges, from the sound of the voices, that the majority declares

for the affirmative. If no one object to this, the decision becomes a law. And frequently, when measures are proposed to which there is no opposition, we hear repeatedly murmured, with a hollow voice, and in a kind of established chaunt, which is uninterrupted by any answer: "Let those who are for the question say aye, those who are of the contrary opinion say no. The ayes have it." They are so many laws adopted. But the minority, however small in number, has always a right to demand a division. For this purpose a member rises, and, contradicting the Speaker, declares, even if he alone had voted in the negative, that the *noes* have it. The house is then divided: the members of one party go into the lobby, those of the other remain in their places; and two tellers, nominated by each party, count the votes.

The Speaker does not vote, except when the house is equally divided; and it was his vote alone, as you know, that decided for the impeachment of lord Melville. In a general committee, as the Speaker does not execute the office of president, he is allowed to vote: but he refrains from it, on

a conviction, that impartiality is his first duty; and availing himself of the privilege of remaining neuter, a privilege granted to him alone, he retires to his seat while the votes are counted, as to a rock secure from storms.

No doubt you will charge me with having dwelt on these particulars of regulation with too much pedantry; but on this point, I think I can justify myself. As in courts of justice forms are the surest protection of the weak, in a deliberative assembly regulations are the best, we may often say the only, protection of the minority. And if it be certain, that without freedom of debate the most beautiful written constitutions would only be useless scraps of paper, we are led to acknowledge, that nothing in a representative government merits more serious attention, than the methods intended to assure the greatest possible latitude to this freedom.

But there is another point of view, under which the forms of deliberation in the assembly of representatives acquire a still greater importance: it is the influence they exert on the nation by the

authority of example. The elective chamber is an object, to which all citizens aspire: the country, where it is not so, would be politically defunct: it is natural therefore, that men's manners should be modelled by what passes in this assembly.

If the business there be conducted with order, simplicity, and promptitude, the same qualities will not fail to be diffused through the nation; the spirit of association will be progressive; men will be accustomed to treat of their concerns in common; and the talent of debate will soon become familiar to all the citizens. If, on the contrary, the legislative assembly exhibit a sad example of dilatoriness, confusion, or violence, the fatal contagion will spread over the country, and public morals be stifled in the cradle. Ignorant of the forms of a regular deliberation, wearied by the time lost in vain discussions, where all speak at once without arriving at any conclusion, the citizens will keep apart from each other, concentrate themselves in the narrow circle of selfishness, and indolently leave to government those

interests, which they ought themselves to defend and protect.

Whatever be the government under which we live, when such is the disposition of men's minds, we must renounce the idea of liberty. In nations, as with individuals, freedom consists in managing our affairs ourselves.

THE END.

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